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CONSTITUTIONS  
OF  
THE WORLD



# CONSTITUTIONS OF THE WORLD

Dr. B. PATTABHI SITARAMAYYA



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## **PREFACE TO THE SECOND EDITION.**

No explanation, much less apology is needed for publishing another edition of this book. The first had a good reception with University students. This is meant for politicians whose interest in constitution-making is just now sharpened by the rapid changes taking place in the country at the moment.

All the figures and facts have been brought up-to-date through the good offices of Professor Indra Dutta Sharma of the D.A.V. College, Lahore, to whom I express my grateful thanks for the very hard work he had to do. These pages do not pretend nevertheless, to supply the full needs of the members of the Constituent Assembly but they claim to furnish at a glance all necessary information relating to various countries on the salient points in constitution-making. I must add that the publication of this edition is wholly prompted by the ardent interest taken in it by the Indian Book Co., Ltd., Lahore.

New Delhi

**B. PATTABHI SITARAMAYYA.**

1. 10. 1946.

## INTRODUCTION TO THE 1ST EDITION

It is sometime since the information in these pages was gathered and we all know how substantive changes have taken place in the political positions of Dominions like Ireland and South Africa since the year 1933, while Soviet Russia has received a Constitution which is approximating in form to the constitution of other democratic *nationalities in Europe and America*. Political Constitutions can no more be permanent than social institutions and in an age when the compartmentalism that once separated Politics from Economics has almost disappeared, the innovations in the socio-economic manifestations of politics must naturally be over multiplying. The Statute of Westminster has become an integral part, yea, the governing factor of the Constitutions of the Dominions in the *Commonwealth of Britain*. South Africa omits in its new Oath of Allegiance, reference to the King as of Great Britain and Ireland but merely refers to him as the King. The statute of Westminster has become an integral part of the Union's Constitution while the phrase 'British Subject' disappears from the qualifications of *Parliamentarians and Senators*.

In Ireland vital changes have recently been adopted in the Constitution. The Senate has been abolished and the Dail has passed by 79 vote to 54 the Constitutional Amendment Bill providing for the abolition of Governor-General and deletion of the King's name from *all internal activities of the Irish affairs*. Having first abolished appeals to the Privy Council, Mr. De Valera has snapped next the other two visible links of connection of the Irish Free State with the British Commonwealth.<sup>1</sup> He has taken advantage of the crisis in England arising from the Abdication of King Edward VIII to achieve this purpose. This is what happened. Section 4 of *Westminster Act* of 1933, says:—

"No Act of Parliament of the United Kingdom passed after the commencement of this Act shall extend or be deemed to extend to a Dominion as part of the law of the Dominion, unless it is expressly declared in that Act that the Dominion has consented to the enactment thereof."<sup>2</sup>

But, while Canada, Australia, Newzealand and South Africa have consented to the Abdication Act, the Irish Free State has done no such thing. Not only has the Free State not done this, but it has abolished the Governor-General and the King's name from all internal activities in the Irish Free State. England had to acquiesce, however reluctantly in this revolutionary measure lest protest should mean appeal to arms.

1. He had repudiated the annuities due to England of £ 8 million.
2. Finally Ireland has chosen to remain a non-belligerent during the Great War of 1939-45—Author.

In Russia, New Constitution of the Union of Socialist Republics was promulgated (in draft) on June 11th, 1936 and has since been adopted by the Plenum of the Central Committee of the Communist Party and the Presidium of the Central Executive Committee of the U. S. S. R. It has been variously described as 'a magnificent historical document', as 'the path to happiness' and 'the thoughts and ideas of the Great Stalin'. There is no doubt that it is destined to set up a more democratic rule in the Union than before. The rights of equal, direct, secret and general voting are introduced for all citizens of the age of 18 in the elections for all elected organs, beginning with the local Soviet of the Toilers and ending with the Supreme Soviet of the U. S. S. R. The Constitution establishes as the only legislative organ, the Council of the Union created on the basis of general, equal, secret and direct voting rights and the Council of Nationalities consisting of the representatives of the Union Republics and districts. These two Chambers constitute the Supreme Soviet of the U. S. S. R. The Presidium of the Supreme Soviet of the U. S. S. R. which operates between sessions of the legislative organs, is unable to make laws; it can only interpret them. The Council of People's Commissions—an administrative organ, elected by the Supreme Soviet—can issue only decisions and ordinances on the basis of existing laws.

The Constitution further guarantees to the citizens of the U. S. S. R. in Chapter X (Articles 118 to 127) the rights to work, to education, equal rights for women, "freedom of conscience", freedom of speech, press and assembly of organization, inviolability of the person and asylum to foreign citizens. These rights carry with them certain obligations concluding with Article 122, prescribing universal military service. "The defence of the Fatherland is the sacred duty of every citizen of the U. S. S. R. Treason to the Fatherland, violation of oath, desertion to the enemy, impairing the military might of the State or espionage of a foreign State is punishable with the severity of the law as the most heinous crime." (Art. 133). To ensure to citizens freedom of conscience, the Church in the U.S.S.R. is separated from the State and the school from the Church. Freedom to perform religious rites and freedom of anti-religious propaganda is recognized for all citizens." (Art. 124.) A Supreme Court is established by the Constitution. It is the highest Judicial Organ (Art. 105) but no power is assigned to it to hold the administrative power to these abstract declarations of human rights. The Prosecutor of the U.S.S.R., however, is vested with "the highest supervision of the exact observance of the Laws by all People's Commissariats and institutions under them". The decrees of the Central Administration, however, are not overridden by the Constitution. The decree of April 8, 1922 forbids participation in religious worship to persons under eighteen, forbids religious associations

pt "cult associations", forbids any activity for ministers of ship outside their own places of worship and the domicile of member of the "cult association". Judicial decrees go still her and expressly deny to parents any right whatsoever to ruct their children in religion. The Soviet Government has still : right and the duty" to prevent any such filling of children's i with "prejudices".

It has not been found quite easy to bring the contents of the v Constitution under the various heads of the tabular form pted here. Accordingly it is published *en bloc* as an appendix.

The reader will miss India and Egypt in the book. Really se countries have no Constitution and those that pass under the ne are but a similaerum. India stands on a different footing. Constitution has been thrust on her which the Indian National 1gress—the accredited organ of the Indian Nation— decided, not to accept and in accordance with the decision, en steps to reject such a Constitution—immensely complicated ecially by the outgrowths of safeguards which outweigh the l body thereof—is not worth tabulating and accordingly has been out.

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B. PATTABHI SITARAMAYYA.

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## THE PLAN OF THE BOOK

This book provides a comparative study of the constitutions of twenty-four countries. The constitutions have been presented in the form of columns, each column dealing with one of the aspects of that constitution. The constitutions appearing on every set of the two pages facing each other have been compared with one another in respect of some particular aspect.

From column No. 1 to column No. 24, all the constitutions have been compared regarding their area, population, form of constitution, head of government and his powers, foreign affairs, treaties, war and dissolution. From column No. 25 to 44, the comparisons have been made regarding cabinet and central government. From column No. 45 to 70, comparisons have been made regarding Lower Houses. From column No. 71 to 92 the Upper Houses have been compared. From column No. 93 to 115, provinces and judiciary have been compared. From column No. 116 to 139, fundamental rights and local government have been compared. From column No. 140 to 159, state and industries and change of constitution have been discussed. From column No. 160 to 176, general remarks have been given. At the end, the Constitution of the U.S.S.R. has been given in complete form.

**CONSTITUTIONS**

***OF***

**THE WORLD**

## 1. Ireland.

Area : 27,137. sq. miles.

Constitution Framed under the Treaty of 5th December 1921, amended in 1937; new constitution approved by the people after plebiscite.

Unitary (Free State)

Responsible Government rigidly followed.

Population : 2,965,000.

President, elected by the people for seven years.

Salary : £ 10,000.

May refer a Bill to the Supreme Court on the advice of the Council of State. May refuse to sign the Bill, if the said Court declares it to be unconstitutional. May refer the Bill to a referendum or general election if one-third of the members of the Lower House & the majority of the Senate request him to refuse his assent to the Bill. Generally, acts on the advice of Ministers, but in certain matters may consult the Council of State.

## 3. Australia.

Area : 2,974,581 sq. miles.

Population : 6,997,000.

Constitution : 1900 A.D.

( Residuary powers in States ) follows the American pattern more closely though with a difference.

Governor General appointed by the King on the advice of the Dominion Government.

Salary : £. 10,000.

Constitutional head of the government. Conducts the whole administration.

In certain cases, right of dissolution of the Lower House and in certain others, may convene a joint sitting of the two Houses.

May return the laws to Parliament with his recommendations for further consideration or may reserve it for the Crown's pleasure which must be expressed within a year. But since the passing of the Statute ( 1931 ) restrictions on the Parliament have been removed.

## 2. Canada

Area : 3,694,863 sq. miles.

Population : 11,012000.

British North America Act, 1867, including eleven subsequent amendments. These do not include the whole of the present day Canadian Constitution.

Canadian crown represented in the federal government by the Governor-General appointed by the king on the advice and approval of the Canadian cabinet.

Constitutional head of the government. Can reserve a federal Bill for the significance of the crown which is now exercised on the advice of the Canadian Ministry.

Since 1926, no option to refuse a dissolution of parliament if asked by the prime-minister.

Power to appoint & receive such ordinary agents and ministers who are not appointed or received by the crown, or the king directly. Concludes certain minor treaties between Canada and other countries, which are not signed by the crown directly.

## 4. South Africa.

Area : 472, 550 sq. miles.

Population : 9,980,000.

South Africa Act of 20-9-1909.

*Cape Town*—Seat of Legislature and

*Pretoria*—Seat of government.

Governor General appointed by the King on the advice of the Dominion Government.

Salary : £ 10,000.

Constitutional head of the Government. In cases of deadlock between the Houses of Legislature may convene a joint sitting of the two.

Can recommend amendments to any legislative measure passed by the Parliament.

May also reserve a measure for the Crown's pleasure which must be expressed within a year.

## 5. Newzealand.

Area : 103,934.

Population : 1,604,000.

Act of 1852.

Dominion in 1907.

Unitary.

Governor General appointed by the King on the advice of the Dominion Government.

Salary £ 5000 per annum and £ 2500 allowances.

Bills altering G. G's salary or sums provided by the constitution for natives to be reserved.

Constitutional head of the goverment. Position same as in Canada.

## ( France—continued )

Note :—The Third Republic came to an end with the collapse of France and the signing of the Armistice on June 23, 1940. After the Armistice, the New Constitution for France was adopted conferring full powers on the President ( Marshal Petain ). Three Constitutional Acts were passed signed by Petain on June 12, 1940. With the liberation of France in 1944, new Elections for the National Assambly were held in October 1945 & June 1946; and at present a new Constitution for France is being hammered out.

## 6. France.

Area : 212,659 Sq. miles.

Population : 42,014,000.

Had 11 constitutions between 1791 and 1870.

Constitution of 1875.

President.

Salary : 3,600,000 Francs per annum including allowances.

National Assembly—chosen by absolute majority—7 years.

President may be impeached for high treason by Chamber only and tried by Senate only.

President gets a salute of 100 guns as against of U. S. A.—21 guns.

*Powers :*

Right to initiate laws. Possesses a suspensory veto over bills passed by the chambers.

Executes the laws; has power of pardon. But amnesty is only by law.

Disposes off armed forces. Presides over state functions.

Receives from and appoints ambassadors to foreign powers.

President may ask for reconsideration of measures.

He shall negotiate treaties.

On the advice of ministry can dissolve the Lower House.

In vacancy, new election is held by the National Assembly, pending council of ministers shall be vested with ex-power.

President communicates with the House by messages read by a Tribune ( minister ) who has access to both Houses.

President's approval of laws not necessary but he may delay (?) reconsideration ( seldom done ).

President may adjourn chamber 1 month at a time but not more than twice a year.

The President of U. S. A. can neither prorogue nor dissolve the Congress.

Designates the President of the Council of ministers. Has the right to preside at the meetings of the Council of ministers.

Within the scope of his constitutional activities he is not responsible to any one.

These powers cannot be exercised by the President himself. The Constitution requires that every act of the President must be countersigned by a Minister. ( Constitutional Law of Feb. 25, 1875, Article 3 ).

## 7. Switzerland.

Area : 15,944 sq. miles.

Population : 42,18,000.

Result of a treaty of alliance between 22 cantons.

Residuary powers in cantons.

All supreme powers vest in Federation.

Federal Council :

Elected by the two legislative chambers immediately after each general election.

Three years term.

No provision that federal ministers will be elected from amongst the members of the federal legislature, but this is an established practice.

Serves as an Executive Committee of the Swiss Parliament.

Conducts foreign affairs, promulgates laws, controls the army, prepares and presents the budget, possesses legislative initiative.

## 8. Germany.

Area : 225,528 sq. miles.

Population : 79,375000.

Constitution : 11th August 1919, as amended by the Reich Reform Bill of January 1934.

President elected by the whole people—by absolute majority—should be above 35 yrs. But if no absolute majority second round settles by a bare majority. 7 (Seven) years. Removeable by the vote of the people on a Reich resolution 2/3 majority. But people may refuse to remove, in which case term counts 7 years from that date. Eligible for re-election.

President not a member of Reichstag.

Suspended from office on a proposal of recall by the Lower House and goes out of office if recall is affirmed by the people.

### *Powers :*

May suspend fundamental rights in restoring peace with armed force—rights of persons, freedom of speech, residence, meetings, free union and of property—but must immediately inform Reichstag.

Supreme command over army.

Appoints and dismisses Reich officers, if no other method provided, and can delegate this authority.

President represents Reich in international affair.

President can dissolve Reich but only once on the advice of chancellor. President cannot—adjourn (cf. England, U. S. A., France) except by dissolving.

Orders of President require counter signature of the Chancellor or competent ministers' signature, entails undertaking of responsibility.

Chancellor and Ministers : The President appoints the Chancellor and on his recommendation the ministers.

Veto : Limited only to cases of disagreement between the 2 Houses, and only to the extent of referring the matter, if he chooses, to the people in case the Reichstag reaffirms a measure by 2/3 rds majority on objection by Reichstrat.

Promulgation : President publishes within one month the Laws in accordance with the Constitution in the Journal of Laws and they come into force within 14 days thereof.

Further powers of President see details under Chancellors ; Cabinets, Legislative Powers, Upper and Lower Houses.

**9. The Kingdom of Slavs, Croats & Serbs.**

**Limited Monarchy.**

**95,628 sq. miles.**

**King.**

## 10. Russia.

### *UNION OF SOVIET SOCIALIST REPUBLICS.*

Area : 8,819,791 sq. miles.

Population : 192,695,000.

Present Constitution of Russia was promulgated in 1936, popularly known as 'Stalin-Constitution.'

No provision in the constitution for appointing a President of the Union. Thus there is no titular head in the U. S. S. R. Foreign Ambassadors present their credentials to the Chairman of the Presidium, and the ceremonial functions are carried on by the President of the Central Executive Committee.

Supreme executive powers vested in the SOVNARKONA ( Council of Peoples Commissars, who are now designated ministers of the U. S. S. R. ) chosen by the Supreme Council ; but really speaking Ministers are chosen by the Central Executive of the Communist Party whose decision is formally carried out by the Supreme council. There is a chairman of the SOVNARKONA who may be called the Prime minister.

**THE PRESIDIUM :** The Supreme Council being a very large body cannot exercise real power. There is a Standing Committee of 37 members, elected in a joint session by the Supreme Council. This Committee is called the Presidium.

The Presidium exercises the powers of the Council when the Council is not in session. It is also entrusted with certain special powers viz. grant of pardon, appointment of investigating commissions, appointment and removal of the supreme command of the armed forces, complete or partial mobilization, ratification of treaties, interpretation of laws and many others. Can declare war if Supreme Council is not in session. It may be said to be the real legislature.

## 11. United States of America.

Area : 3,026,789 sq. miles.

Population : 130,215,000.

Federated Constitution drafted in 1787, came into effect in 1789.

### Residuary Powers in States.

**President** : Elected—term 4 years—by electoral delegates elected at National Conventions of Parties statutorily recognised and election of delegates being conducted by order of State Legislatures.

Each State having as many delegates as there are representatives in Federal Legislature and the voting valuation fixed at the same number going to the majority party.

**Presidential Candidate**—35 years and 14 years residence.

President and Vice-President shall be removed on an impeachment or convicted for treason or bribery.

240,000 dollars and 1,000,000 francs household and travelling—480,000 dollars.

May hold a bill without either signing it or vetoing it, in which case it becomes law at the expiration of ten days without his signature, provided the Congress is still in session.

May keep the measure at his desk and by so doing kill it, if the Congress adjourns within ten days—known as 'Pocket Veto'.

He may veto a bill or a measure outright and return it with his arguments for vetoing it to the House of its origin. But if it is passed again by both the Houses by 2/3 rds majority voting separately, it becomes Law, inspite of the Presidential veto.

**Commander-in-Chief of Army and Navy.**

Makes treaties subject to the consent of 2/3rds majority of the Senate.

Appoints ambassadors—other public ministers and consuls, judges of Supreme Court and others not herein provided for with the advice and consent of Senate.

Fill up vacancies during the recess of the Senate by granting commissions to expire at the end of the next session.

Convene sittings both of either House and adjourn in case of disagreement regarding the time of adjournment.

Recommend measures, receive ambassadors and public ministers.

President's powers higher than any monarch's or Premier's.

Highest position in the world. 500,000 civil servants are under him.

*(Continued on Page 11)*

## 12 The Polish Republic.

Area : 149,042 sq. miles.

Population: 26,886,399.

Republic : 15th March 1921 and as amended by the Constitution of 1934.

*President* : Term 7 years.

Elected by National Assembly—in a joint Session.  
Impeached by 3/5th vote of Diet.

Quorum : 1/2.

Tried before the Tribunal of State.\*

Cannot dissolve Diet except with Senate's consent or its own consent obtained by 3/5th majority.

Quorum : 1/2.

Appoints Prime Ministers and through him other ministers.

President's prerogative of mercy not applicable to minister's punishment.

No powers of amnesty.

\* (Tribunal of State—Pt. of Supreme Court.

8 judges appointed by Diet.

4 do. do by Senate. )

### ( United States of America—*continued* )

President's powers to remove Federal Officers are higher than powers of appointment.

He can enact rules and regulations supplementing Acts for control of Administrative Department.

Pardon—not in case of impeachments and offences against States.

Legislative powers—1. Veto ( *vide supra* ),  
2. Message to Congress.  
3. Special Sessions—to consider special legislation.

Pardon and Legislative powers—originally meant as checks has become a power—personal delivery being dramatic.

President is a party leader but without being controlled by it.

None can depose him.

Salute of 21 guns as against the 100 of the French President.

### 13. Czechoslovakia.

Area : 54,244 sq. miles.

Population : 14,729,533.

( Bohemia, Moravia, Slovakia, Part of Silesia, and of Carpathia Ruthenia, south of Carpathians ).

Republican—only Carpathian Ruthenia is federated to Czech-R. with a separate Diet and Government appointed by President but responsible to Diet.

Date : 14th November 1918.

President : Elected by National Assembly—joint session—7 years.

Qualifications : Eligible for C. D. and 35 years. Elected by 3/5th majority—at meeting ; quorum—absolute majority. Roll call. Failing two ballots, 3rd ballot decides it. Eligible only for two terms ; and then only after an interval of a term. First president exempt from above.

President can adjourn but not for more than 1 month and not more than once a year. Can dissolve but not in the last half year.

President can return a Bill within a month.

If both chambers pass by absolute majority by roll call, it becomes act or if the Chamber of Deputies passes it by a majority of 3/5 by roll call. ( If larger quorum and majority required originally they are required for reaffirmation. )

Powers : Represents in foreign relations, and treaties—Commerce—finance—military and territorial.

Receives and appoints diplomatic representatives.

Declare war and peace with N. A.'s consent.

Summon, adjourn and dissolve N. A.

Have the right to return Laws back.

Appoint and dismiss ministers and fix their numbers.

Appoint and dismiss professors of higher education.

Judges, State officials and officers from the 6th class and upwards.

Grant donations and pensions on recommendation by Government.

Commander-in-Chief of all forces.

Grant pardon.

New Constitution being drafted after the Second world war.

#### 14. Austria.

Area : 30,766 sq. miles.

Population : 6,131,445.

Form : Federation.

Residuary powers—legislative and executive in Provinces.

President :

Elected by joint sitting of N. C. and F. C. ( F. A. ).

4 years ; only once re-electable continuously—  
Presidential candidate—35 years—voter for N. C. Not  
members of the reigning houses or Ex-royal house.

President disabled, duty passes to Federal Chancellor.

Powers relate to Foreign relations—ambassadors—appointment of federal officials—army officers—titles professional and official.

Pardoning—and legitimatising illegitimate children—but all on the initiative of Federal Government.

*NOTE:* Under Article 80 of the Versailles treaty Germany was bound to "respect strictly the independence of Austria. But Article 61 of the Weimar Constitution provided for the representation of Austria in the Reichstrat "after its union with the German Reich."

The Supreme Council pronounced this article as null and void and Germany was forced to sign a diplomatic act making similar declaration on August 10, 1919 for twenty years. Thereafter the question of the ANSCHLUSS occupied European Politics, it was finally brought about in 1938.

Since the liberation new constitution is being framed.

## 15. Sweden.

**Area :** 173,347 sq. miles.

**Population :** 6,310,000.

**Constitution in 1809.**

**King.**

**Hereditary of evangelical faith. Majority 18; for King & Prince Regent.**

**King is C - in - C of forces.**

**Pardon, commutation.**

**Restoration of property.**

**Any officer may be removed by the king, subject to remonstrance by the Minister concerned.**

**The King has got the right of veto.**

**The King may grant pardon in cases of impeachment, but cannot reinstate in the services.**

## 18. England

**Area :** 95,279 sq. miles.

**Population.** 46,213,000

**King :** Ceremonial Head.

**He costs 1/50th per cent of British budget.**

**Privy Council of 350—meets only on the accession of monarch or other ceremonial purpose.**

**Besides, the income from the Duchy of Lancaster is his private income.**

**The Prince of Wales likewise gets his income from Cumberland.**

**Real Head of the Government is the cabinet led by the Prime Minister. Legal powers of the king vast. But all powers exercised by the Government in the name of the Crown. Thus the king is only the constitutional head.**

## 16. Norway

Area : 124,556 sq. miles

Population : 2,937,000.

Free, independent, indivisible, inalienable, kingdom.

Limited Hereditary Monarchy.

King can propose successor if no heir ; unborn heirs entitled.

Bills not expressly assented to by the King deemed as rejected.

## 17. Estonia

Area : 18,353 sq. miles.

Population : 1,134,000.

Republic

Date : 15—6—1920.

2—7—1920.

## 19. Spain.

Date : 9th December 1931. Constitution decreed and sanctioned by Spain by right of sovereignty and adopted by the constitutional Cortes—Democratic Republic of Workers. Residuary powers to vest in State but delegatable. Powers distributed as exclusive state.

Legislature for states and administration for provinces.

*President :*

Six years.

Must be 40 years old.

Military, clergy and reigning families cannot become.

*Powers :*

Can declare War.

## 20. Belgium

Area : 11,775 sq. miles.

Population : 78,386000

Constitution: 10th Nov. 1830;  
7—2—1831.

Revised : 15th Oct. 1921.

*King :*

Hereditary male line, females excluded; King's son, marrying without king's consent forfeits right to throne.

But may be restored by the two houses.

*Constitutional powers :*

King can dissolve H. R. and order re-election.

On King's death, the Houses meet on the 10th day without summons, till then powers exercised by ministers.

King must take oath before both houses.

## 21. Japan.

Area : 148,756 sq. miles.

Populatn : 72,223000.

Constitution promulgated by Imperial decree in 1889.

Sovereignty vested in the Emperor but can be exercised in accordance with the constitution - with the consent of the Diet.

He exercises Legislative powers.

He sanctions the Laws and orders them to be promulgated and executed.

He convokes, opens, closes and prorogues the Diet.  
May dissolve the House of Representatives.

When public safety demands or to avert public danger, he may issue imperial orders, but they are to be submitted to the Diet at the next session and if not approved rescinded.

He has the right to issue the ordinances to carry out the Laws.

To preserve public peace & order.

And to promote the people's welfare but they shall be not inconsistent with Laws.

The Emperor determines the organisation of different branches of administration.

Salaries of civil & military officers and appointments and dismissals of those.

He is the C-in-C of Army & Navy and determines question of Peace & War.

Declares War, concludes treaties, makes Peace.

He confers titles, ranks, orders and other marks of honour on nobility.

Has right to grant pardon, amnesty, and to commute punishments.

But all Laws, imperial orders & rescripts are to be countersigned by a minister of state who is responsible now according to practice to the Diet.

*NOTE:* - At the time of writing, the Japanese Diet is considering the draft of a new constitution prepared under the direction of General MacArthur.

## 22. Denmark.

**Area :** 16,575 sq. miles.

**Population :** 3,805,000.

**Constitution :** 5-6-1915

10-9-1920

**Form :** Limited Monarchy.

**King.**

Hereditary. 18 years majority for King. Reichstag determines. Annual remuneration determined by legislature-no remuneration when outside Denmark.

Executive powers vested in King. (Judicial in courts).

King's person sacred.

Appoints and recalls ministers.

The King cannot declare war or peace or alliances, cede territory or contract obligation without the consent of Reichstag.

The King convenes & prorogues but for not more than 2 months.

The King can originate bills in Reichstag.

Prerogative of mercy, amnesty belong to the King.

King may coin money according to Law.

## 23. Mexico.

Area : 763,944 sq. miles.

Population : 23,956,000.

New Constitution—Republican—Federal President.

—31st January 1917.

—Provided against clerical privileges and exploitation by foreigners.

Supreme Power is vested in the President, who is elected direct.

Qualifications are that he should be a Mexican citizen by birth or son of Mexican parents ( by birth )—over 35 years, shall not have been engaged direct or indirect in any riot or military coup.

Term : 4 years from 1st December.

Never re-elected.

Interim vacancy—successor cannot be President in next chance. Interim vacancy is filled by Congress, which, if in session, shall become election college. If not in session, permanent committee shall choose & summon Congress in Extraordinary session for the purpose.

Interim vacancy—Permanent disability for that President if in the first 2 years.

President shall not resign except with the consent of the Congress and that too for grave reasons.

*Powers.*

Can originate legislation.

Regarding Veto, has the same limited powers as the American President.

*Powers & Duties :*

Promulgate and execute laws.

Appoint and remove secretaries, agents, generals and governors.

Appoint and remove, with Senate's approval all ministers, diplomatic agents, consuls general.

Also colonels of army and superior officers of the Treasury.

Appoint other officers.

Head of the Army and Navy.

Dispose of National Guard ( See Art. 76 clause 4. )

Declare War after resolution by the Congress.

Grant Letters of Mark.

Conduct diplomatic negotiations and treaties.

## 24. Italy.

Area: 112,000

Population. 44,537,000

King nominal head.

The real head being the Duce.

*Note:*—Italy has been declared a Republic and the king has left the country. The new constitution has not yet taken the final shape.

### ( Mexico—*continued* )

Summon extraordinary sessions of the Congress.

Afford judiciary necessary assistance for functioning.

Open maritime and custom House.

Grant pardon. Grant exclusive privileges for inventions and discoveries.

Exercise duties confirmed by the constitution.

## 25. Ireland.

### *Executive.*

Section 51-called the Executive committee—Nos. 5 to 7—appointed by the President on the nomination of the Dail and other ministers on the advice of the Prime Minister and Minister of Finance. ( Modelled after Canada ).

President nominates Vice-President. ( Additional Ministers may be appointed on the recommendation of a Committee of D. E. but they are Departmental Heads individually responsible to D. E.—Virtually abolished since 1927 ).

President elected by the people.

Money Bill is so certified by the Chairman of D. E. unless 2/5th of either house demand a reference to the Committee of Privileges.

All must be members of Dail Eirean. ( D. E. )

They can attend and shall be heard by the S.E. ( Seanad Eirean. )

## 28. France.

Ministers' salary is 60,000 francs and official residence. If Prime minister is not minister of Justice he ranks next to the P. M.

Ministers and under-secretaries are usually members of the Chamber.

Collective responsibility of ministers, individual responsibility may be tried by ordinary courts for ordinary offences but come under impeachment for assaults on states.

Cabinet minister's countersignature is essential for every document including the next ministers' appointment which is countersigned by the Prime Minister.

Council of Ministers is presided over by the President, but Cabinet is not. Minutes furnished to Press, but omit important matters.

Prime Minister spends weeks in coaxing people to join Cabinet. Any minister threatening to resign may displace other ministers.

Ministries reconstructed, not built anew. Same Premier often coming up again.

In England the cabinet had its pulse in the country—in France upon the Parliament.

## 26. Canada

Minister if he is not already a member, must obtain a seat in 3 months—convention.

Rest as in England.

Leader of opposition paid same as Prime Minister £ 5000.

## 27. Australia.

Salary £ 12,000 for Seven Ministers.

Party caucus suggests the ministers in the L. Party.

Cabinet conducts the whole administration and is responsible to the Parliament. Members of the Cabinet must be—members of the legislature.

If non-members of Legislature they must become members within 3 months ( Rule ).

May be members of either house.

## 29. South Africa.

### *Cabinet*

Chosen and summoned by the Governor General not exceeding 10; holds office during the pleasure of the Parliament and responsible to it. The Cabinet in South Africa is called the Executive Council.

### 30. Germany.

#### Cabinet : Responsible to Reichstag.

Presidential powers far-reaching since 1930. German constitution has transferred to the President the right of collaboration in Legislation. Entitled to be informed of the Proceedings of the Reichstag & to preside over its deliberations ; he declines to allow any faction to dictate to him the composition of the Cabinet.

Power of Parliament has retreated behind the overflowing power of the President, who has power to dissolve Parliament.

Between 1919-1924. 130 Emergency Decrees were issued under Art 48.

#### Initiative in Legislation.

(a) Reich Government introduces Bills with the consent of the Reichstag.

(b) Without its consent but with a statement of its real state.

(c) Against its own will on account of the insistence of Reichstrat with a statement of its own point of view.

Chancellor and Ministers have the right to attend, address and can be summoned to attend.

Legislative power virtually transferred to President under Art. 48.

#### Committees work in public.

Committee of Foreign affairs works in secret unless 2/3 rds majority demands publicity.

### **31. Switzerland.**

#### *Federal Council.*

7 members ; 3 years. Appointed in a joint Session.

(Chosen so as not to have more than 1 in any canton.)

President of Federation presides over Federal Council.

President and Vice-President—nominated by Federal Assembly for 1 year—from the Members of Federal Council. (Ministry) None can act for two consecutive years.

Quorum : 4

When Members are elected they vacate and fresh elections held.

President has a primary vote and a casting vote.

The Chancellor is not a Member of the Federal Council.

He is the chief secretary—not German Chancellor.

Each Federal Councillor—head of an Administrative Department—Financial, Education, Justice, Police, Interior, Military, Post, Political, Publication A. T. C.

Postulates and requests the Legislature to frame a Law.

Federal Council belongs to no party. Members can speak on opposite sides.

Has voice but no vote in either House.

Federal Council appoints all officers except President, Chancellor, Judges of Federal Courts, C-in-C.

## 32. United States of America.

### *Cabinet.*

Cabinet is not a ruling group as in England, etc. 10 heads of administrative departments under the President. It is his habit, though not the duty to consult. President appoints them subject to approval of Senate. Not responsible to Senate. No seat in Congress. No competence dismissal at pleasure. Only party considerations determine. Attorney-General and Secretary of State are the Lawyers. New Cabinet members unknown to fame ; more in the nature of personal advisers than responsible ministers.

Heads of various administrative departments.

C. E. C.—consisting of 200 members elected by A.R.C. Meets 4 times a year. Its functions are like those of a Western Parliament. Responsible to Congress and in intervals between Congress sessions, has supreme Legislative, controlling, and administrative authority. Members enjoy immunity from "arrest without the consent of President or Chairman". Attendance compulsory. Can enter any Soviet and demand information.

**Powers** :—Directs all Government organs, workers and peasants governments and unifies and co-ordinates legislative and administrative work. Superintends Soviet constitution. The decrees of A. R. C. and central organs of governments—examines and ratifies decrees of commissaries ; or individual departments. Convenes Congress. Submits report of work with a statement of policy and makes appointments in the various Deptts. and various branches of administration. Further powers which are however joint with those of A. R. C.

The C. E. C. deals with Laws, reports, administers judicial and executive functions. Every member is to be engaged in Governmental work in either a central or local body. Its meetings are a constant reunion of the various bodies and contain members who are its officials representing the C. E. C. in their constituencies.

Council of Peoples Commissars appoints 'All Russian Central Executive Committee' ( A. R. C. E. C. ). It issues decrees and instructions and informs C. E. C. of the same which can be annulled or suspended by the latter, but when extremely urgent, are enforceable by the commissaries. Member in charge to look after Foreign Affairs, War, Marine, Home, Justice, Labour, Social Welfare, Education, Post and Telegraphs, Nationalities, Finance, Transport, Agriculture, Foreign Trade, Food (State control), Supreme Economic Council and Health.

To each Member is attached a Board! members of which are confirmed by C. P. C. The commissar has power to decide matters. But if the Board disagrees, can bring up the matter through any member without stopping the enforcement, before Presidium or C. P. C.

### 34. Austria.

#### *Executive.*

Consists of People's Commissioners—being President, Federal Ministers, S. of S., (Secretary of State) the members of provincial government—appointed by the People's representative Federal and provincial.

Federal Chancellor responsible for the official promulgation of all decisions and shall countersign the decisions of Federal Assembly. Chancellor presides over Federal Council and constitutes the F. C. with the vice-chancellor & Federal ministers—who are elected as a whole by National Council on a motion by Principal committee from amongst those members (or if the National Council N.C. is not in session) temporarily by the P.C. committee itself.

Vote of censure by N. C. dismisses minister or ministers.

Budget to be placed by F.C. before the N.C.

Ministers entitled to participate in N. C., F. C., or E. A. (or on invitation in Pr. C.) or may be required to be present there.

Secretaries of State are parliamentary official assistants and are subordinate to ministers.

### 35 Czecho-slovakia.

Every Law shall specify the Member of Government responsible for the Law.

Ministers have the right and when called the duty to attend and address both the Houses.

Between sessions & before re-elections after dissolution—a committee of 24 (16 by Chamber of Deputies and 8 by Senate) formed for 1 year with substitutes to look after urgent matters including legislation & to supervise governmental & executive powers—formed soon after elections.

P. R. includes Chairman Dy. V. C. (Deputy vice-chairman) for Chamber of deputies, & V. C. of Senate. Deals with all constitutional matters—but not elect President or Deputy President—not amend constitutional laws & vary powers of administrative departments. Cannot add to financial or military burdens. Alienate property or declare war. S. 54.

### 36. Sweden.

*Executive :*

*Council of State.* Relatives of King excluded. Consists of Heads of Departments up to 10 with 3 others of whom 2 should have held office. Quorum is the minister concerned & 3 others. Minutes kept.

For foreign affairs special minutes are kept. Agreements urgently required concluded without Reichstag's consent but must be placed before it later.

Cabinet to protest against King's decision when adverse else minister held responsible.

Need not be members of either House.

When a minister's advice is rejected by the King even after Council of State recommends - he resigns with salary pending decision of Reichstag.

### 37. Norway.

#### *Executive :*

Ministers 30 years old-7 for council of State. Ministers who are not members of Storthing can be taken in the Council of State. First member of Council of State can have 2 votes-quorum 1/2- State religion must be professed, else disqualified. Minutes to be maintained.

Minutes of dissent essential to escape impeachment for complicity with King.

Ministers cannot attend Storthing as such. Ministers can attend public sessions of Lagthing and with leave private session of Starthing.

### 38. Estonia.

#### *Executive :*

Ministry elected.

39. Spain.

\* b

Permanent committee of 21 members proportionate to parties. Has jurisdiction over suspension of constitutional guarantees and arrest & indictment of deputies.

40. Belgium

Ministers at most removable from office.

Army fixed by Law and renewed annually.

Ministers have deliberative vote if members. But can and must attend and have audience.

## 41. England.

*Cabinet* : Composed of ministers—but all ministers do not sit in cabinet.

On resignation by Prime Minister the King summons another leader, tho' he is not an accredited leader of a party (e. g. in 1894 Lord Rosebury; 1922 Bonar Law) who took it up subject to election of leadership of his party, which did elect him in fact.

Cabinet has the right to promulgate *Orders in Council* which are of several kinds and which may or may not be laid before Parliament. Sometimes laid for 40 days : sometimes require a confirmation by both Houses. Sometimes even require a provisional ordinary act.

Army and Navy estimates do not go to the Treasury but to the Chancellor of Exchequer.

Ministers have joint responsibility.

Salaries vary from £2000 to 10,000 (A. G.) while the Prime Minister gets £5000. Every retired Lord Chancellor gets a life pension of £5000 -

All ministers should be or become members of either house ; but not more than 5 secretaries of States can be in one house or not more than 5 under secretaries in the other house.

Prime Minister can dissolve the House in the name of the King, can dismiss individual ministers for misconduct (ex. Montague in about 1922). There is Cabinet responsibility, but in 1932 a deviation took place by which individual Ministers who had differences could declare them in the House and continue in office. (Sir H. Samuel Philip Snowden ; on Tarriffs. They resigned on Ottawa ).

Chairman of committees selected for capacity—money bills go to standing committees direct—all bills going to committees must return—standing committees made up favourable to majority parties—but select committees on private bills no reference to party—Private bills committee consists of 4 House of Commons Members and 5 of the Lords with a President—expensive.

House of Commons has a grand committee with 4 divisions ; 2 for law and two for all bills except

## 42. Denmark.

### *Council of State.*

Heir apparent sits in it. The King presides. In the King's absence, presided over by the Prime Minister appointed by the King. Prime Minister forwards the minutes to King for approval and for reconsideration by Council of State if not approved by King.

Ministers chargeable by King or Falktein. Reigstrat i.e. the Court adjudicates the Charge made.

## 41 England—( *Continued from page 30* )

money bills. Besides these there are a committee of the whole House, Committee of Supply, of Ways and Means ; composed of party representatives, Committee of selection with 11 members having party representatives, which appoints Sessions Committee, a select committee and other Committees to examine bills and matters distinctly political. Sessions Committee has 3 sections—Public A/cs ; Public Petitions ; and Kitchen. Select Committee has 15 members but 4 only for S.C. and Private Bills.

### 43. Japan.

*The Cabinet.* Shall give advice to the Emperor but shall be responsible (by custom) to Diet. Not mentioned in constitution. The Ministers of State are 10 in number.

Foreign Affairs, Home, Finance, War, Navy, Justice, Education, Agriculture, Commerce, Communication.

There is also a minister of the Imperial Household but he is not in the Cabinet. These may be members of either House and have a right to speak in either. Responsibility to Diet virtually established since 1914.

*Privy Council* :—President, Vice President, 25 councillors, a Chief Secretary and 5 secretaries.

Among the Councillors are *ex-officio* the Ministers of State, who form the Cabinet.

The Council is to advise the Emperor (1) upon doubtful points regarding articles of constitution (2) upon proclamation of a state of seige.

(3) Constitutional imperial orders.

(4) Treaties (5) Organisation of the Privy Council and other matters specially called for.

It may be consulted in political crisis regarding formation of cabinet and all cabinet measures may be referred to it either before presentation to Diet or after acceptance by the Diet.

It is the highest body of constitutional advisers to the Emperor and has partly taken the Cabinet's place in this respect. It is regarded as a usurpation and there is an attempt to limit it.

*Note* — As already pointed out in the preceding pages, the Japanese Diet is considering the new draft constitution prepared under the direction of General MacArthur.

#### 44. Italy.

Ministers can sit in both the Chambers and can be heard also along with under-secretaries. ( Not so in England. )

14 ministers, each with an under-secretary named by the Prime Minister.

Ministers need not bargain with cantankerous groups (as in France).

## 45. Ireland.

### *Lower House.*

Period 7 years.

Franchise : adult franchise (21 years) and university member at the rate of 3 for each existing university.

No. of Seats : not less than 1 to 30,000 voters and not more than 1 to 20 thousands.

Origination : Besides money bills other bills may be sent to S.E. which may ask for a joint sitting for debating but not for voting.

Money Bills whose appropriation to be previously recommended by the G-G on the advice of L.C., are reserved for Dail Eirean.

Question of dispute regarding definition referred to a committee of privileges (three members elected from each house). The Chairman is the Senior Judge of Supreme Court having a casting vote.

General Remarks :—

President elected by D.E. and he nominates the Vice-President.

Speaker re-elected without opposition. 1927.

*House of Commons*

The composition of the House of Commons in Canada can be determined any time by the formula:—

**Population of Canada.****Population of Quebec.**

65

President can increase the strength subject to proportions.

**Finance and Budget :**

Money bills originate in the House of Commons. But must first be recommended by G-G.

Central Government pays fixed sums to provinces for provincial purposes.

6,80000 Quebec, North Brunswick and Nova Scotia also.

**General Remarks :**

Powers of Parliament can be defined by the Canadian Parliament so as not to exceed those of House of Commons of United Kingdom. Speaker of House of Commons has only Casting vote.

Makes Laws for Peace, order, and good government of Canada in matters not reserved for provinces.

**Lower House : House of Representatives.**

**Period : 3 years unless dissolved earlier.**

**Franchise : Universal suffrage.**

**No of Seats : 75 in proportion to population of states to a minimum of five. Qualification of candidates:— every voter-resident within Common-Wealth for 2 years.**

**Absence for 2 months without leave vacates seat.**

**Free travelling facilities.**

**General Remarks :**

Speaker has only a casting vote.

Aboriginal natives not counted in population.

Common Wealth's Power to control food and individual liberty during War. Controls the cabinet; its powers, procedure etc. are similar to those on the British House of Commons.

## 48. South Africa.

House of Assembly-five years, unless dissolved earlier.

Directly chosen from Provinces. 150.

Cape Colony 51, Natal 17,

Transval 36, Orange Free State 17.

May be increased to 150 total—but not diminished.

No. for each province is determined by the ratio of *No. of European male adults.*

No. of seats in H.A. 150.

No one to be disqualified in C.C. except by special legislation but legislation dealing with native franchise must be reserved.

Single member constituencies. £400/ from the day of taking seat. £ 3/a day for absence.

Qualification of candidates—must have the qualification for the membership of Pr. Assembly.—5 years residence. European Br. Subject. Quorum 30.

President has only a casting vote. Oath of allegiance to H.M. taken.

Penalty for illegal sitting £100 a day. Powers, privileges and immunities to be declared by the president.

Finance: budget-money bills originate only in Assembly, but appropriations should be previously recommended by G.G. during session.

In joint sittings President of Senate presides. Laws are signed by G.G. and deposited with the supreme court.

## 49. Newzealand.

House of Representatives.

Manhood suffrage, single vote, now universal including women.

No. of seats-76 plus 4 Maoris.

£300/- salary.

Absolute master of law and constitution and can amend latter.

Piloted by Reporter with minister as adjutant. answer questions—but he steers and nods speaker to the tribune, but riders added budget takes 3 months thro' C.D. won't reach parliament till June. Therefore provisional for a month or two from January 1st.

General Remarks :

“Police” belongs to dominion Government.

“Stone walling”

5-6 of members don't rise above the Town councillors, no corruption. Members looked upon as agents.

## 50 Switzerland.

*Lower House.*

National council.

Strength : 187 election direct and P.R. universal suffrage.

Age : 20.

Term 4 years.

No votes to women.

Deputies elected by the Swiss at the rate of 1 to 22,000. Each canton or half-canton must elect at least 1 deputy.

Fractions more than 10,000 = 20,000 allowance given.

*Disqualifications.*

Any voter who is not a clergyman may be a candidate, no votes to women.

For central subjects see col. under Fundamental rights and general.

## 51. France.

### *Lower House.—Chamber of Deputies.*

Period :—4 years.

Franchise : Registered voters—soldiers with unit at post or duty on land or naval, shall not vote—nor officers—Manhood suffrage, called universal suffrage. No plural, compulsory or absolute voting.

Number of Seats—One for every 75,000 in each department and one for each additional 37,500. Each department should have at least 3 deputies. Plural constituency. If deputies are 6, two constituencies. 584 members with 10 F. colonies, 10 for Algeria, and 26 for Alsace Lorraine.

Now constituencies are single member ones.

Salary : Allowance given.

Qualifications : Military service—officers on leave prior to retirement are eligible ; so are Director and under-director of Bank of France, and some other officers (Ministerial, judicial ecclesiastical and professional). When deputy is appointed to a salaried office, he ceases to be Deputy but may be re-elected, if eligible. Ballots voting for more names, not rejected, last names rejected.

Closure may be moved provided 2 have spoken but minister can reply and private member has the last word. Speeches may be delivered by proxy, but leave to print is not allowed as in U.S.A. Voting by ballot is virtually open. But 50 members may demand ballot, at the tribune, when names are called alphabetically. Interpellations lead to debates and votes except on Foreign policy. A motion to resume business should be voted on first. Chamber is a law-making body in the titular sense.

Budgets have current and extraordinary expenditures, latter not part of former, freely met by borrowings, contains 40 to 50 thousand items. Budget commission consults Finance officers in co-operation with ministers, can strike out or insert items, but insert only with ministers approval.

No declaration of war, except with the consent of both the houses.

Members paid 27,000 francs or 5,000 dollars. They act as favour seekers for sons, son-in-laws and friends. Seeking decorations, jobs and licences to sell tobacco. Members address the House and not President.

Both Senate and Chamber of Deputies are in session for 5 months.

President may adjourn Chamber for 1 month at a time, but not more than twice a year.

## 52. Germany.

### *Lower House. Reichstag.*

Period : 4 years.

Universal, direct, P.R., 20 years age.

22. No. of seats—not fixed.

1 for 60,000 voters polled. Voting for policies, principles and platform—not persons. 35 divisions, 17 unions, and 1 national list are prepared and members are chosen in order on the lists, first division list having 3 seats—then union and then national.

- (a) Exclusive legislative powers.
- (b) Concurrent legislative powers.
- (c) Legislation on principle.

Reich has overriding powers in economic undertakings. Reich legislation overrides states—disputes referred to Supreme Court.

Military officers must be granted leave when contesting elections and attend meetings. Unusual privileges to President and legislatures.

Foreign affairs—frontiers (also with the consent of states concerned, the Defence), Colonial affairs and Post and Telegraphs—exclusive jurisdiction of Reich.

*Impeachment of President* is by a motion signed by 100 members passed by a majority, prescribed for altering the constitution and then conducted before the Supreme Court. The same for minister both for a wrongful violation of constitution or Law.

States execute Reich laws and control of Reich. Meetings convoked by President or on request by 1/3 members. Elects its own chairman, deputy chairman and secretaries and makes its own rules. Proceedings public, except when 2/3 demand privacy. On demand by Reichstag (1/3) promulgation of laws deferred for 2 months unless the two Houses decide otherwise.

C.P.C. is responsible to C.E.C. and A.R.C. Peoples Commissars and Boards responsible to C.P.C. and C.E.C. of A.R.C., A.R.C. and C.E.C. have control over all questions of national importance, including foreign relations; and treaties, Ratification; or regional groupings; separation of Frontiers and States; War and Peace, Loans and taxes; Tariffs and Trade agreements; judicature; amnesty etc. Appointing and recalling of Peoples Commissars and Chairman; Civic rights—of Russians as well as foreigners in Russia; weights and measures; crime and criminal jurisdiction and coinage; organisation of economic life; budgets; forces; Legislation and Judicature.

*Franchise*—Universal—age 18. No residential qualification. 1. Must earn living by productive work. 2. domestic occupations—industry, commerce. 3. Soldiers in Army and Navy. 4. Citizens incapacitated for work. Local Soviet may lower age with approval of C. E. C. 5. Also foreigner working. Disqualifications: 1. Those employing others for profit. 2. Who live on income of capital industry or land. 3. Private businessmen, agents and middlemen. 4. Monks and priests. 5. Agents and employers of former police. 6. Special corps and secret police. 7. Members of ruling race. 8. Mentally deranged and wards. 9. Convicted for infamous or mercenary crimes.

*Budget*—All Russian Central Executive Committee distributed between State and local soviets. Soviets can impose taxes only for local needs. General needs being provided for by central funds.

**ALL RUSSIA CONGRESS** : Deputies of Town Soviets one for 25,000—and Gubernia Congress one for 125,000. In 1921 it comprised 1631 members—meets once a year. Supreme political body. Special and exclusive prerogative of the All Russian Congress : is (a) to alter the fundamental elements of Soviet constitution and (b) ratification of treaties.

For further powers of All Russian Congress see note above which are joint with those of C.E.C.

**ORGANISATION OF LOCAL SOVIET AUTHORITY**—*The Congress of Soviets* composed of (a) Regional or

#### 54. The Kingdom of Slavs, Croates & Serbs.

National Assembly 4 years.

1 for every 40,000 people—universal, equal, direct and secret suffrage.

#### 53. Russia

(Continued from page 40).

Oblast representatives of Town Soviets at (1 for 5,000 electors) and Country Congress at (1 for 25,000 inhabitants). Maximum 500 deputies to the whole—also of Soviets elected in the same if the latter is held immediately before the Regional Congress. (b) *Provincial or Gubernia*—is composed of representatives of Town Soviets at 1 in 2,000 electors and Rural Division of Congress of Soviets at 1 in 10,000 inhabitants.

## 55. **Czecho-Slovakia.**

### *Chamber of Deputies :*

Term : 6 years.

U.S.E.D. & P.R.—adult franchise; age 21. candidate's age : 30.

300 in number. Each Chamber elects its chairman.

Liable to prosecution—other than editorial—only with the consent of respective chamber. Cannot be arrested except with the permission of chamber or committee ratified by chamber within 14 days.

Cannot be witness in matters confided to them as members even after membership ceases.

Legislation initiated by either House with a statement of the financial effect. Laws should be assented to by both Houses.

### *Budget in charge of lower chamber.*

A bill initiated by government unanimously but rejected by the N.A. shall go to a reference of all voters of C.D. but no reference on bills initiated by government on constitutional amendments.

Assembly convoked by President when demanded by absolute majority—failing which chairman of either Chamber can do so, but 2/5 enough if 4 months elapsed since last session. Quorum—2/3.

Quorum 2/3 for impeachment of President, of council or ministers with 2/3 majority to pass.

Members of National Assembly cannot enter service until a year after expiry (That does not apply to ministers). But civil servants can be elected, granted leave with automatic promotions—revert to offices on expiry of term; so are university professors. Prefects of Department not allowed to be members of N. A. nor members of constitutional courts—electoral courts and councils of Departments.

## 56 United States of America.

*Lower House :*

*House of Representatives.*

Term : 2 years.

Members chosen by people of States, elections being the same as those of the most numerous House in the State.

Candidate : 25 years. Resident for 7 years—residential qualification. In fixing quota proportionate to voters Indians not taxed are excluded.

Disqualifications : insurrection removable however by Congress.

For sittings, quorum, adjournment rules ; expulsion see under Senate:

They receive salaries £1500.

Number : 435.

*Powers :* All revenue bills originate in H.R.

Want of respect to legislature due to men filling them are below average.

## 57. The Polish Republic.

*The Lower House : Diet.*

Term : 5 years.

Universal, secret, equal suffrage—P.R.

Franchise : 21 years adult—except soldiers on active service.

State officials of financial, administrative, judicial (not central) cannot be elected to the areas where they serve. When elected they should be granted leave with privileges.

POWERS.

1. Supreme command of Army in legislature.
2. Legislation is initiated by Diet on Government.
3. Uncontested election disputes settled by Diet.
4. Amnesty only by legislature.

*Privileges : Privileges and disabilities :—*

- (a) A deputy cannot be proceeded against.
- (b) Cannot buy land.
- (c) Cannot receive distinctions other than military.
- (d) Cannot be a responsible editor.

## 58. Austria.

### *Powers of Lower House.*

National Council to appoint a committee in P.R. to co-operate in the Executive Administration of Federation in the appointment of Federal Government and in those orders of F.G. which require its agreements.

*National Council.* Franchise : equal, direct secret personal suffrage of men and women 20 years. P. R. candidate 24 years.

Term : 4 years.

No. of seats proportional to number of citizens.

House convened by chairman or on requisition by 1/4. can only dissolve or adjourn, itself for rules making.

Quorum 1/2—2/3 majority of present required. Other decisions—quorum : 1/3.

### **Powers.**

Both Houses may question F. G's. execution of duties. No one can be member of the both houses. Public employees can be members without special permission.

Legislation may be initiated N. C. by (a) Federal Government or (b) F.C. thro' Federal Government or (c) popular initiative demand by 200,000 votes or 1/2 voters in 3 provinces.

Every Law liable to be referred if N.C. so decides or majority so request.

State treaties to be approved by N.C.

Federal army in the control of N.C.

War declared by F. Army i. e. joint session of both houses, chairmanship alternates between that of N.C. and F.C. In certain subjects Federal Government legislates principles—to be implemented by the provinces—origination of administration of provinces—stitutions for disputes other than court Labour laws ; land reform—forests electric power—buildings—service regulation of provincial officials.

## 59. Sweden.

### *Rikstag.*

Rikstag appoints following committees Constitutional; finance—appropriation—Bank—Laws—agricultural.

Each session appoints a committee of 16 to confer with king or foreign relations.

No deliberation in King's presence.

230—country to town ratio—150: 80.

Universal manhood suffrage established in 1909.

Proportional Representation for both Houses—4 years term.

Men and women 23 years entitled to vote. Substitute elected with each representative (Referred to a second Chamber).

Equal powers to both the Houses.

Immunity for speeches in legislative houses. 5/6 majority may sanction prosecution.

The Rikstag meets on 10th January each year. No deliberation of the committees or Rikstag in the King's presence.

## 60. Norway.

*Storthing.*

Voting qualification : 23 years—5 years residence.

Disqualifications—indictment for Penal offence— inability of management of personal affairs-conviction—service of foreign power without consent of Government— conviction for vote bought or sold—voting at more than one place—persons disabled may send votes.

Term : 4 years.

Members : 150 towns : country :: 1:2.

Christania : 7 seats Proportional Representation.

1/3rd represent urban constituencies 2/3rd rural Norway.

Candidate : 30 years—resident for 10 years and now. Ministers and ex-ministers eligible, officials disqualified, obligation to accept on election except when elected for second time provided he has attended 3 sessions in the first election. Substitutes elected.

Allowance 300 kronan and T A.

Expenses for curative treatment and nursing allowances, adjusted between the member and substitute.

Extra attendance—12 kronan a day and usual privileges and immunities.

Legislation is first proposed in Storthing—then goes to Lagthing.

Diplomatic reports can be demanded to be placed only before a committee of 9. Secret conventions should not be at variance with public ones.

Storthing meets first week day after 10th January. Quorum for each 2/3. Each elects its President. Storthing can demand its reports of the council of State to be placed before it.

Sitting shall be public except when half require privacy.

## 61. Estonia.

*Single Chamber.*

Equal—secret—Proportional Representation.

Period : 3 years.

Members : 100.

Qualification for voters :

20 years age—Esthonian subject for 1 year. Members exempt from military service.

Disqualifications :

Unsound mind—blind—deaf—mute—spendthrifts under legal guardianship and certain malefactors.

Laws passed are suspendable for 2 months on demand by  $\frac{1}{3}$  and if within 2 months 25000 voters demand a Referendum it shall be given and shall be final.

Initiative. 2500 voters can demand a Bill which is passed or rejected by the Assembly. If rejected a Referendum is final.

A bill adversely decided by Ref is followed by new elections in 75 days.

No reference on budget, State loans, tax laws, War and Peace; and Treaties.

Virtually Ref. is the Second chamber.

Session begins on the 1st Monday of October. Must be convened on demand by 14 members.

Elects its Chairman under the chairmanship of previous chairman.

Sittings public except when  $\frac{2}{3}$  demand secrecy.

## 62. England.

### *House of Commons.*

Members : 640 in number.

Franchise : Adult franchise; 21 years, 6 months residence in the constituency or an adjoining one—or occupation of office or shopping or business premises of £ 10/ rental value in the constituency. Need not reside in them.

Can vote only in 2 constituencies as occupant and resident. Business man is at advantage over labour.

University—all adult male graduates.

Disqualifications: Aliens; paupers; and Peers and idiots confined in institutions.

Time for nomination 1 hour—deposit £250/- forfeited failing to get 1/8 votes.

Voters list prepared from house to house.

Parliament can extend its term only with concurrence of the House of Lords.

Absent voters may mail but only from inside the United Kingdom. One circular sent free of passage to voters.

No member can resign ; but when they must resign, a nominal post is conferred on them such as Chilren Hundreds or the Duchy of Lancaster which carry no duties. They are ostensibly referred to in the order of appointment and no remuneration except when a minister gets the Duchy of Lancaster.

The "Closure" need not be put by the speaker if considered unfair to the ministry—not used for 10 years—Gallery cleared whenever desired by the order of the Speaker.

Taxation bill is a public bill—but those relating to municipalities or Railways are private bills—private members may bring public bills—but private bills based on petition may originate in the H.L. or the House of commons.

Quorum for H. C. is 40,—interpellations allowed followed by motion for adjournment by 40 members raising it, over "unsatisfactory replies". Supplementary questions allowed. The House *adjourns* at pleasure, but both the Houses *prorogue* together. Speaker on election ceases to be party man unlike in H.R. (U.S.A.) where his *party spirit* becomes aggravated.

### 63. Spain.

*Cartes :*

23 years eligible for membership.

4 years term.

### 64. France

Either House meeting apart from other is illegal except when the Senate sits as a court of justice when the Senate meets of its own right.

Sitting public, but privacy requires absolute majority.

Bills do not come to Chamber of Deputies until disposed of in report stage. President cannot veto but can delay though seldom or never exercised. Chamber has 20 committees of 44 members each.

Members of H.C. (England) have control of budget both in Law and Fact.

C.D. (Fr.) only in fact.

H.R. (U.S.A.) neither in law nor in fact.

In France no whips, no bosses. No hinkie dinks haunting the lobby telling members what to do and how to vote.

## 65. Belgium.

*Lower Chamber : House of Representatives.*

Franchise : direct ; 21 years and 6 months.

Elections : residence ; single vote extendable by 2/3 majority to women, electorate colleges regulated by law. (as in Austria) P. R. voting is obligatory.

Number: Represented at the rate of 1 in 40,000 inhabitants. Must be 25 years old. Qualifications : must be naturalised fully, domiciled or resident of Belgium.

Term : 4 years.

Privileges of members : No imprisonment except when caught red-handed. Prosecution of members suspended if the House so demands.

Allowance : 12,000 francs annual allowance together with travelling, Superannuation fund may be established.

Half of the members retire every two years.

Whole House renewed only on dissolution.

An additional vote is given to all maimed men and widowers with children who pay 5 fr. as household tax, provided they are 35 years of age and likewise to all those who are 25 years old—possess real estate of Fr. 2000 or get income from land comparable to such value or whose names are inscribed on the Public Debt Register. (The Great Book of Public Debts) or depositors in the Savings Bank who earn an interest of Fr. 100. Also a 3rd vote to all those who have graduated or completed Secondary Education or are engaged in a profession such as education—but not more than 3 votes.

(This information is from Woodrow Wilson which however is upto 1918 only).

Session—second Tuesday in November and shall go on at least for 40 days.

Legislative session public except when President or majority require privacy.

Any member accepting office shall vacate, but may recontest. Vice President and President elected each session by each house. In case of equal votes demand rejected. Quorum for passing is majority of the House. Votes given *viva-voce* or by rising and sitting.

Petitions presented to ministers and not to the House.

## 66. Denmark.

### *Lower House : Falkstein.*

All men and women having a place of abode in country are voters unless (1) guilty of infamous conduct and are still under sentence. (2) or have been assisted by public organisations & not repaid it (3) lost control of property & declared bankrupt.

Number of members shall not exceed 150.

P. R. may be introduced.

Term : 4 years.

Payment exists.

Utterances inside are Legal.

Each Chamber elects its chairman.

Publicity of proceedings excepted when people ask for privacy.

Joint sittings ; half of each Chamber must attend.

Reichstag is in the Capital ( Copenhagen ).

Public officials elected do not require permission. In particular cases, members accepting salaried offices are subject to re-election according to Law.

No vote may be taken unless 1/2 are present.

## 67. Italy

### *Lower House : Chamber of Deputies.*

535 members.

Secret ballot by unproportional representation.

Whole party lists voted for.

Party receiving largest vote gets 2/3rds of the House.  
Voters put a line through the symbol of the party they choose. (Fascist Symbol is a Roman Fasces and Populari have Cross & Sword).

Other parts get seats in proportion to votes they get.

Term : 5 years—P. M. May decide dissolution at any time.

(Latterly July 1933) it is said that P. M. simply sends to the voters a whole list to be dealt with *en-bloc*.

Government is entrusted with a good deal of Ordinance powers by the legislature itself.

Legislation enacted on broad terms—leaving ordinances & decrees to fill in—this power being delegated sometimes to subordinate officials,—indeed making of decrees is their industry & regulations are simply bewildering.

Money Bills originate in lower chamber. Senate yields—if not more Senators are appointed.

Speaker is neutral.

Selection of Committees and interpellation follow French system.

Chamber divided into 9 committees (reshuffled every 2 months) each of which contributes a member to any committee required.

## 68. Mexico.

*Lower House : House of Representatives.*

Term : 2 years ; No. of Seats : 1 for 60,000 or fraction exceeding 20,000. But every State has one member. Substitutes exist for each.

*Election : Direct ; Qualifications :* 1. citizenship. 2. age 25 ; 3. must be natives of states or territories or domiciled for 6 months when election takes place. 4. should not be on Active Army Service for 90 days prior to elections. 5. cannot be Secretary or Asst. Secretary of Executive Department or justice of the Supreme Court without resigning 90 days prior nor State Governors or Secretary of State nor State judges without likewise resigning.

*Disqualifications.* Ministers of religious creeds disqualified.

*Quorum :* majority.

*Powers :* 1. Bills dealing with loans and taxes must originate in the Lower house.

2. Ordinary legislation may originate with (a) President (b) Either House (c) State Legislatures.

*Note :* Bills by (a) and (c) and Delegations of States referred to Committees.

*Note :* Bills by (b) subject to rules of procedure.

3. President's Veto :—(i) Bills not returned by President within 10 days are deemed to be passed. (ii) If President objects he returns to the House of origin which must confirm by  $2/3$  majority in which case referred to other House for reconsideration. If approved by it also by  $2/3$  majority then it is deemed as passed.

4. Veto by Senate : A bill totally rejected by the Senate must be re-examined with its observations & if approved goes to President for observations.

*Powers described in extenso under 32 heads :—POWERS OF CONGRESS. Art. 73—77.*

1. Admit new states. 2. Establish areas of 80,000 sq. miles as States 3. Carve out new ones out of existing ones on condition of taking views of people—provided population is 120,000 and provided state legislatures consent

and President of Federal House also. Also self-supporting but 2/3 of both houses are to ratify and a majority of the state legislature. If however the concerned state does not agree then the majority of 2/3 of State legislature must agree.

4. Settle demarcation of States. 5. Change Head Quarters. 6. Legislation. Regarding Federal territories to be administered by governors appointed by President and removable by him. But all Supreme Court judges and judges of 1st inst. are to be appointed by the Congress acting as electoral colleges. Attorney-general should be directly under the President. 7. Levy taxes needed for budget. 8. Raise loans and deal with debts and foreign commerce. 9. Enact tariff Law. 10. Regarding-mining Commerce, credit and industries and establish sole Bank of Issue. 11. Deal with Federal offices. 12. Declare War. 13. Regulate letters of mark. 14. Frame admiralty laws. 15. Rules of army and Navy. 16. Rules for national guard. 17. Enact laws of citizens, naturalisation, colonisation, emigration, immigration and Public Health. Public health council works under President. No secretary of D. Sanitary authorities has Ex. powers. Measures enforced by P. H. council are revisable by Congress. 18. Laws on general means of communication, post, Roads, Post offices, Tels, & Fedl, War Debts.

19. Re : Mints, money exchange.

20. Rules for occupation and alienation of uncultivated land. 21. Departmental and constitutional service. 22. Crimes against federation and penalties therefor. 23. Pardon ( Fedral Jurisdiction ). 24. Rules for internal government and punishment compelling attendance at Congress and punishment for those present for acts of commission and omission. 25. Origination of law of control of treasury. 26. Electoral colleges for naming judges 27. Accepting resignation of judges. 28. Providing schools of forest, agriculture, museum, library & laboratory, all degrees conferred shall be valid. 29. Choose interim or substitute President. 30. Accept resignation of President. 31. Audit. 32. Make laws for executing foregoing powers.

## 69. Japan.

*The Geuro*—are an extra constitutional body of elder statesmen—survivors of the men who brought about the restoration of 1868, are below Emperor and Privy council—have rendered service to country—but are out of tune with constitution. They are the power behind the throne. There are only 2 or 3 of them surviving and will soon come to an end.

*House of Representatives*.—Lower House. 1920 Elections Law-male voters 28,60,000 i.e. 102 for each 1000 as against 28 to 1000 previously.

464 members—35 years-eligible for election to H. R. that is for each 1,20,000 of entire population.-step towards manhood suffrage under which Japan would have 130 lakhs of voters.

President and Vice Presidents appointed by Emperor from amongst the 3 candidates respectively elected for each office by the House. Allowance 5000 yen. Vice-President 3000 yen. Members 2000 yen and T. A. but members in service do not receive such allowance.

Emperor cannot veto the Laws passed by the House, despite the Constitution. Bills may be initiated by the govt. or each of the Houses, the two having equal rights on all matters except budget which must be first laid before the H. R.

Diet meets annually. Session last 3 months; may be prolonged by imperial orders. Extraordinary session summonable by Emperor. Deliberations public but secret sittings may be held on demand by Govt. or resolution of the House. No members of either House held responsible outside for voice or vote inside,

But for opinions expressed in public—amenable to public law. Members are free from arrest from all ordinary offences-not of a flagrant character nor connected with the internal disorder or foreign trouble except with the consent of the House.

## 70 Russia.

*Provincial or Gubernia* is composed of representatives of Town Soviets at the rate of 1 in 2000 and in a rural district Congress at the rate of 1 in 10000 inhabitants. Maximum 300. But if the county Congress has taken place immediately before the provincial, then election to Provincial is not by rural soviet but by county congress.

County or Uyzed Congress is of representatives of village soviets at the rate of 1 for 1000 inhabitants. Maximum 300.

Rural or Volost Congress-represents all village soviets at the rate of 1 for 10 members of soviets.

Note : (I) In the County Congress are representatives of Soviets of Towns of not more than 1000 inhabitants.

Note (II) While Soviets of villages of less than 1000 inhabitants meet together & elect delegates to the county congress, village soviets of less than 10 members send representatives to the Rural or Volost Congress,

Soviet Congresses are convened by the Executive Committee *suo motto* or on demand by local soviets representing not less than a third of the population.

The 9th A. R. C. says : All Congress to be convened once a year—extraordinary sessions may be in case of need.

*Presidium* may order extraordinary sessions and fresh elections.

Every Congress elects its own E C. Maximum members for regional & Provincial being 25; rural 10; Counties or Uyzed 20.

The E.C. is responsible to the Congress electing it. The Congress is the supreme authority within the limits of its own administration in its own territory; and between sessions the authority is vested in the E. C. Soviets of villages have also E. C.—strength not more than 5 in village and 3 : 15 less in Towns.

## 71. Ireland.

### *Upper House : Seanad Eirean S. E.*

Constituted with panels of candidates (age 35), 3 times the number of nominated (2/3 by D.E. and 1/3 by S.E.) and then subject to election by P.R. by voters aged 25 and over.

Term : 12 years.

Origination :—Bills initiated by S. E. may be passed by Dail Eirean or (a) amended when they are deemed to be initiated by Dail Eirean (b) rejected, when they shall not be re-introduced in the same session. But Dail Eirean may reconsider them *suo motto*.

The interval is now reduced (from July 1933) from 18 months to 3 months in which the Dail Eirean can re-introduce.

Finance : Money bills passed by Dail Eirean go to Seanad for its recommendation. May be rejected by Dail Eirean.

Remarks : Any bill passed may be suspended for 90 days on the written demand of 2/5 members of Dail Eirean or majority of the senate. Then before 90 days, if 3/5 of Seanad Eirean or 1/20 of voters so demand, a referendum shall be granted. Exceptions : Money Bills.

(Art. 44) Both the houses constituting the Oireachtas may from subordinate legislatures and (Art. 45) also may establish functional or vocational councils with statutory powers.

## 73. South Africa.

### *Senate :*

(A) 8 nominated by G. G. for 10 years.

(B) 8 elected by each provincial legislature and the representatives of Provinces in Assembly.

In (B) Election by P.R.

### *Qualifications :*

Age 30 years. Must possess the qualification for Membership of Assembly in the Provinces, Residence 5 years in Union.

A European subject if elected Senator must be the owner of immoveable property in union of net value £ 5000/-.

Senate chooses President who may resign or be removed.

*Quorum : 12 out of 40 seats.*

President has the casting vote.

May not amend Money Bills so as to increase taxation.

*Deadlock :* In case of deadlocks including money bills, joint sitting convened during the same session and the opinion of majority of those present determines.

## 72. Canada.

### *Senate.*

Nominated. Interim vacancies filled by G. G.

Number : 72 from 3 divisions; (1) Ont. 24.—(2) Quec.

24—(3) Maritime Provinces 24. 12 N. S. and 12 N. B.

Total membership—96.

Plus 6 or 3 nominated equally.

King may nominate for Life, forfeit seat on absence for 2 consecutive sessions—bankruptcy, public default, treason.

### *Qualification of Candidates :*

(a) Age 30 years. (b) lands or tenements over and above mortgage being 4000 in value real or personal. (c) residence in province for which he is appointed but in Quebec in electoral division.

Quorum: 15—Speaker nominated by G.G. On equality of votes proposition is deemed to have lost.

## 74. Australia

### *Senate :*

Direct election by States—each state 6. But Queensland may make divisions if it cares to. Adult Franchise. Each elector voting only once. Failure to send Senator does not prevent Senate's business. Half of them change by rotation. Interim vacancies filled by legislature.

If they are not sitting governor nominates with the consent of executive council.

Senator vacates if absent for 2 consecutive months.

Quorum : 1/3rd

President has a vote but no casting vote.

In equality of votes, negatived.

Term : 6 years.

Cannot amend Finance bills, but can reject them.

Salary : £1000, -.

May send message of amendment.

Otherwise Senate has equal power with House of Representatives.

*Deadlocks.* If Senate refuses or amends what the House of Representatives has passed, and House of Representatives does not agree to the changes, and if the Senate again passes them, G.G. shall dissolve them. And if again House of Representatives passes and Senate refuses, a joint sitting is convened, at which absolute majority is required.

## 75. France.

### Senate :

It is elected by an electoral college composed of delegates of municipalities having fixed quotas by absolute majority, or with 2 successive ballots with one or more alternate delegates. Delegates are paid travelling allowance.

*Qualification of candidates :* 40 years of age. (Ex-reigning families ineligible.) In military service only Marshals and Admirals can be Senators. No one shall be elected except by absolute majority of votes cast, or  $\frac{4}{5}$ th of the votes registered must be secured. If it comes to 3rd ballot, simple majority is enough.

Average age : 63—65.

Term : 9 years. (1/3rd retire every 3 years).

Strength : 314.

4. Allowance given, 27,000 francs = 5,00 dollars.

*Origination :* (1) Powers to initiate and pass laws are concurrent with those of the Chamber of Deputies except finance. (2) It resists by referring legislation to committees where it rests and is forgotten unless revised by C.D. (3) Senate has the right to reduce or strike out Budget items but if C.D. does not agree, it gives in. (4) No declaration of war without the consent of both the Houses. (5) Senate can legally sit apart C.D. only when it sits as Court of Justice. (6) Senate's consent is required to enable President to dissolve C.D.

A Senator cannot be a councillor of state, or a prefect except a Prefect of Police.

Senate is a powerful body on the whole. From C.D. people go to the Senate and then to Presidentship (4 cases occurred).

It is a Court of Justice to take cognisance of and try crimes against President or Ministers or those relating to the safety of the State.

*Dissolution :* Though the President may with the assent of Senate dissolve C.D. yet the decree of dissolution is to be countersigned by a minister and therefore only once has C.D. been dissolved thus in 50 years before the term 4 years expired.

## 76. Newzealand.

Council : Nominated by Government. Now an elective body.

(34 + 12—no limit). Now 40 members.

4 Working class.

3 Maoris nominated.

Term : 7 years.

(1690—from Life)

Salary : £ 200 -

Amendments: Can reject bills other than Finance.

Finance : No power in Finance.

*Deadlocks :*

Both sit together and vote and if a bill is not affirmed, a dissolution of both houses follows.

## 77. Germany.

### *Reichstrat : Upper House.*

Each State sends representatives (at least one) at the rate of 1 for every million of population and when surplus is not less than the population of the smallest State it is counted as 1 million. Maximum by a State is  $2/5$  of the total number.

Reichstrat meets on demand of  $1/3$  of its members. Its Committees presided over by a member of the Government.

Ministers have right and duty to address.

At any time of the debate, members of the Reich have the right of audience.

Prussia though having  $3/5$  of Germany's population, but  $2/5$ th of representation (26 in No.) on the Reichstrat, has its powers largely curtailed. In committees appointed by Reichstrat from its members, no State shall have more than one vote.

*Deadlocks* : Reichstrat may object to any law when Government places it before Reichstag again and in non-agreement, the President may appeal to the people for decision. If President does not do this, law does not come into force. If Reichstag decides against Reichstrat by  $2/3$  majority the President either promulgates the law or orders an appeal to the people. But Reichstag's decision cannot be annulled unless majority takes part in voting.

*Dissolution* : German president may dissolve the Reichstag on the advice of Chancellor but only once. President cannot adjourn Reichstag or close its session otherwise than by dissolution. In England adjournment is by Crown on the advice of the Cabinet. Crown may also prorogue or dissolve.

## 78. Switzerland.

### *Upper Chamber : Council of State.*

Two for each canton, 1 for each  $\frac{1}{2}$  canton.

80 per cent are university men.

Method of election, tenure and salary left to Cantons.

Term varies from 1 year to 4 years.

4 Cantons elect through legislatures, and the rest through direct popular vote.

Wields less authority but views legislation more liberally.

Powers alike with N.C. or Lower Chamber.

Federal Council can summon an extraordinary session of the legislature, but cannot dissolve either House, or terminate a session.

### *Lower House : Chairman and vice-chairman elected.*

No consecutive chairmanship.

In equality of votes he has a casting vote.

## 79. Russia.

E. C. is responsible to Soviets electing them and convened by E. C. *suo motto* or on demand by half the strength at least once a week in towns and twice a week in the country.

*Qualifications* : (a) Election rights belong to all citizens aged 18. (b) no residential qualification but most belong to that place (c) earn living by productive work. (d) may be engaged in domestic occupation enabling farmer to follow his calling—industry, commerce (peasants and labouring Cossacks) (e) soldiers in Army and Navy (f) Citizens (as per *supra*) incapacitated for work. (g) in addition, those described in paragraph (h) 20 part II Ch T. also enjoy electoral rights. This relates to foreigners working.

**NOTE** :—Local soviets may lower age with approval of central authority.

*Article 65. Disqualifications* : (a) Those employing others for profit. (b) who live on income—interest on capital industries. (c) private businessmen—agent and middlemen, (d) monks and priests (e) agents and employees of former police special corps of gendarmerie and secret police. (f) members of the ruling race. (g) those guilty of infamous or mercenary crimes.

**Regional or Oblast Congress**: Representatives of Town Soviets one for 5000 electors and Uyzed at one deputy for 25,000 inhabitants to a maximum of 500.

These Congresses have not met as often as contemplated for the executives have grabbed the powers.

**Oblast: Gubernia: : Uyzed : Volost Congress.**

**Budget** : Financial policy is auxiliary to fundamental Principles of Soviet Expropriation of Wealth—all resources being placed at disposal of soviet ARC or ARCEC. A. R. C. E. C. assesses taxes, determines the sources and allocates distribution between the states and local soviets. Soviets can only impose taxation for local needs. General needs being provided by Central Funds.

*Council of State.*

Council of state is the supreme court composed of judges 1 2 being appointed by King from those nominated by National Assembly 1 being appointed by National Assembly from those nominated by the King.

## 81. United States of America.

### *Upper House: Senate.*

Two senators from each state elected as in H. R. Term 6 years 1/3 retiring every 2 years. Interim vacancies filled up temporarily by the state legislature.

*Candidate : 3 qualifications :*

Age 30 years—9 years citizenship—and residential qualifications. Presided over by Vice-President who votes only in equality.

Senate chooses its own President when Vice-President acts as President and other officers also.

(H.R.) Elections conducted by state legislature Congress assembles on the 1st December. Each House to decide rules of discipline and expels a member with concurrence of 2/3. Majority of each House is Quorum. But smaller number may adjourn from day to day.

Neither House shall adjourn for more than 3 days during Congress. Secrecy may be occasionally preserved.

Privileges and allowances:—No Senator may be appointed to any civil office newly created or salary of which is increased and no officer may be Senator.

The Senate may propose, or concur in amendments of Revenue Bills.

### Receive Salaries.

Position coveted for stability of tenure and executive power relating to appointment and treaties.

Judicial Powers:—Senate has the right of impeachment under oath. When President is tried, Chief Justice presides. Conviction is by 2/3rd majority of the members present.

## 82. Czecho-Slavokia.

*Upper House : Senate.*

U.E.S.D. vote Proportional Representation.

Adult franchise. : 26 years.

Candidate : 45 age.

Number : 150.

Term : 8 years.

Legislation is initiated in both Houses. Laws should be assented to by both the houses.

*Initiated by Chamber of Deputies.*

1. Senate should affirm in 6 weeks.

2. Money bills in 1 month.

*Initiated by Senate :*

Chamber of Deputies should affirm in 3 months.

Note:—But if term of either expires in the middle, then balance is counted for next sitting.

(i) If initiated by Deputies, and rejected by Senate, and re-affirmed by absolute majority of deputies, Bill is passed. (ii) But if rejected by  $\frac{3}{4}$  majority of Senate, then  $\frac{3}{5}$  of Chamber of Deputies is required to pass the Bill. (iii) Initiated by Senate but rejected by Chamber of Deputies the Senate may re-affirm and refer ; and if again rejected by Chamber, shall drop altogether. Bills so rejected shall not be reintroduced for a year. Amendments by either chamber tantamount to rejection.

Carpethian Ruthinia enjoys independence in relation to education, language, and local Government and has the right of appeal to the League of Nations.

### 83. The Polish Republic.

*Upper House : Senate :*

Elected body.

Powers :

Amendments may be proposed by Senate within 30 days, which may be passed by Diet or rejected by 11/20th majority when they are treated as rejected.

4 Provinces : 1/4 from each Province by P.R.

No. of Senators : 1/4 those of Diet.

Voters : 30 years.

Candidates : 40 years.

Diet dissolves itself by 2/3 or the president dissolves it with the concurrence of 3/5 present, in meeting; quorum of which is 1/2. Senate follows suit.

### 85. Norway.

*Upper House : Lagting.*

'Lagting' is constituted by electing 1/4 of the members of the Storthing leaving remaining 3/4 for the 1st chamber called "Odelsting".

Lagting and Supreme Court or 30 out of both shall constitute along with Presidents of either body. Reichstrat which shall try cases against the council of state or of supreme court of Storthing on the indictment of Odelsting. The President of Lagting presides. The accused may challenge upto 1/3 but the court shall consist of at least 15.

If twice placed and twice rejected by Lagting then disposed off by Storthing by a majority of 2/3 with an interval of 3 days between each of these deliberations. On passing, the King shall assent or return and then it cannot be resubmitted to the King.

If the bill is passed unaltered by three successive Storthing (election) separated from each other by 2 successive sessions and then submitted to the King as a Bill beneficial to the State then it shall be accepted.

## 84. Sweden.

### *Upper House: Senate*

Strength : 150 chosen indirectly.

Candidate must possess from 3 years before election real property of taxed value of 50,000 Kronas (£2,777) or annual income of 3000 kronas (£166).

8 years 1/8 retiring every year—elected by members of county councils and electors of 6 towns in eight group elections taking place in one group every year.

Chooses its own speaker since 1921.

Equal powers for both the Houses.

When the two Chambers vote separately the decision is ascertained by counting the votes in the chambers separately. And the majority of the two determines the issue.

## 86. Austria.

### *Upper House: Federal Council*

Vienna and Lower Austria have 12 seats and other provinces send proportionately to their citizens subject to a minimum of 3. For each member a substitute is appointed. At least one seat being given to the party having the 2nd highest number. Elected by Provincial Diets by Proportional Representation from people fit to be candidates of Provincial Diet but not members thereof. This law can be changed by Federal Council only if the majority of the 4 provinces accept it.

The Chairmanship shall pass to each province every six months in alphabetical order and to the person of the province who has polled highest Quorum rules same as N.C.

Can send amendments to laws within 8 weeks to N.C. through Federal Chancellor. But a re-affirmation by N.C. (if no more amending by Federal Council within 8 weeks) authenticates and promulgates the law.

Federal Council is precluded from amending rules of procedure of N.C., dissolution of N.C. and grant of Federal estimates. Federal Loans or administration of Federal property. Federal Council is precluded from altering the same.

Federal Council cannot interfere with Federal estimates or loans.

## 87. England.

### *Upper House : House of Lords*

(i) Consists of the British Peers. (ii) 16 sixteen Scottish Peers. (iii) 28 Irish Peers elected for life. (iv) Archbishops of York and Canterbury, plus 24 seats for Bishops including London, Winchester, Durham and 6 Law Lords.

Women peers have no seats in the House of Lords.

A peerage cannot be got rid of but can be declined, when conferred. Can be forfeited by special attainder or by act of Parliament.

A peer can insist on being tried by his fellow peers for treason and Felony only.

Presided over by Lord Chancellor who however has no disciplinary power not even to recognise who should be allowed when two rise.

The House decides. He cannot adjourn.  
Quorum 3. Meets Wednesday ; Thursday.  
Sometimes Monday, Friday.  
To pass an act 30 must be present.

Three Powers—(i) Anybody can move a debate by asking for papers. (ii) Special judicial powers. (iii) Court for members. Courts of Appeal and court of impeachment brought about by House of Commons.

House of Lords is a judicial body consisting of 6 Law Lords, the Lord Chancellor and any other Lord who may have held high post.

The trial of a peer takes place in the whole house if it is in session—over both Law and fact otherwise this house sits over fact only while Lord Chancellor takes Law.

*Deadlock*—All ordinary bills passed twice by House of Commons in 3 consecutive sessions with an interval of at least two years between first and final passage, are automatically passed.

*Dissolution*—Is done by a commission of 5 Lords of whom Lord Chancellor is one.

They read the King's speech dissolving it.

## 88. Denmark.

### *Upper House: Landsting.*

Landsting—76 members—59 by electoral colleges for larger constituencies—19 elected on P.R. by all out going members of Landsting. 1/2 out of 59 renewed every 4 years. 19 completely.

Removed every 8 years.

#### *Qualifications for Candidates :*

Every voter for Folketing aged 35 years. Resident in the electoral area. The group of 19 elected by Landsting need not be resident.

Remuneration same as to members of Folketing. Each chamber elects its chairman.

Either chamber can initiate Law.

When the Folketing passes a bill it is sent to Landsting within 3 months of the end of the session.

Then if not passed or no agreement reached between two houses, a joint parliamentary committee is appointed and it reports on the situation and makes suggestions.

Each house reaches its decision.

And when Folketing is renewed by general election, it adopts the bill once again during the ordinary session and sends it to Landsting. Then the King may dissolve Landsting if there is still no agreement. With this exception Landsting is dissolved only when constitution amended.

The King may dissolve Folketing.

NOTE:—In 1938, a bill was brought before the Danish legislature which was passed with large majorities. Two major changes in the constitution were proposed. The first abolished the upper house; the second lowered the voting age to 23 years; the new constitution also proposed a more frequent use of the referendum. Under the provisions of the Constitution of 1915, the new proposals were submitted to the popular vote, but the total majority in favour of the proposals failed to reach 45 per cent of the total registered voters; it therefore could not be adopted.

## 89. Belgium.

### *Upper House : Senate*

Members elected according to the population of each province. (1) Half of members of H.R. (2) Elected by provincial Councillors by P. R. at the rate of 1 for 200,000 inhabitants plus one for additional 125,000 inhabitants. (3) Senate coopts half of the number (4) by P.R. (5) King's sons, Belgian princes designated, 18 years old, but have no voice in deliberations till the age of 25 years. Qualifications: (i) Belgian citizens with civil and political rights. (ii) Ministers, university graduates, provincial governors, ex-military officers professors, managers of commercial enterprises, and representatives of labour councils being office-bearers for 2 years are eligible. Ex-members of H. R. and Senate.

Regular members of commercial tribunal and ex-members of royal academy and ex-provincial governors. Ministers and ex-members of standing delegation. Ex-commissioners of Arrondizement. Members and ex-members of provincial council for not less than 2 terms, Bingo masters, ex-aldermen and aldermen of chief towns. Ex-governor general and vice-governor-general of Belgian Congo, Members and ex-members of colonial councils. Director general and ex-I.G. Ministers, Proprietors, and usufructuaries of real estate of assessed value 12,000 francs and taxed value 3000 francs—general manager of a bank of capital one million francs. Heads of industrial enterprises, with 100 employees and agricultural with 50 men. Chairman and secretary of agricultural and industrial association of 500 members. President of chamber of commerce of 300 members. Members elected to a consultative council of ministerial department and new catagories established by law passed by 2/3 majority.

Senators shall not be members of Assembly now or 2 preceding years. No emoluments but indemnity of 400 francs and the travelling allowed.

Direct election no property qualification for candidates. term : 4 years renewed wholly.

If senate is dissolved, King may dissolve Provincial Council. Meeting held only while House of Representatives sits.

## 90. Italy.

### *Upper House,*

Combination of the House of Lords with Senate of Canada. Some are hereditary (Prince, others are chosen from certain categories) 21 in number covering 4 classes :—

1. Bishop and High Church dignitaries.
2. Persons connected with government, naval and military.
3. Those distinguished in science and literature.
4. Persons paying minimum taxes.

Senate may refuse any appointment on the ground that these categories are not covered. Size not fixed—present strength 400—Bishop lost seat owing to strained relations with government—universities and academies get good representation. Scientists and scholars get few seats.

Most people nominated by King being refused admission by the Senate. Ministry owes no responsibility to Senate which yields to Chamber of Deputies. When it wants to do anything, it gets into trouble.

## 91. Japan.

### *Upper House: House of peers.*

Has the supreme power over the Lower House. This has acquired the right to insert items in the budget which have been struck out in the House of Representatives. President appointed by the Emperor. Also Vice-President from among the members for a term of 7 years.

President : 5000 yen. Vice-President : 3000 yen.

Members : 2000 yen. (Yen—1/2 Dollar) plus T.A.

It is composed of 1. Members of Imperial family. 2. orders of nobility. 3. nominated members by Emperor—Princes and Marquises —age 25—Take their seat on attaining majority. Counts and Viscounts, and Barons who have been elected thereto, by their respective orders - (at the age of 25-1/5 of whole) from among them elected 1 member for each city and Prefecture by the tax payers (15 in no. and age 30 of the highest amount of National taxes, (direct taxes) from amongst themselves.

4. Nominated by emperor for meritorious services or learning age 35—No. (4) shall not exceed (2).

Total No. 374.

Peers Blocked progressive legislation.

House of Representatives - All males 35 years of age eligible to be candidates except Heads of noble families, men in active service or navy, students, Shinto priests, Ministers, Priests and teachers of religions of all kinds, Government officials, Government contractors and persons suffering from legal disabilities.

Electors : age 25 - permanent residence in the Division for not less than 1 year previous to the date of drawing up the roll. And payment of direct national tax not less than 10 yen. Voting by secret ballot, names being written.

## 92. Mexico.

*House of Representatives has the Powers:—*

1. To sit as an electoral college for presidential elections.
2. To watch the duties of Controller of Treasury and appoint officials thereof.
3. To approve budget.
4. Note charges against Public officials, impeach them and act as Grand Jury and exercise other powers under the constitution.

*Liability.*—1. Liable for all common offences and all official offences along with Senators.

2. G.G. of States and Members of State legislature liable for violation of constitution and federal laws.

3. President is liable for treason and offences of a serious character.

*Upper House : Senate.*

Composed of 2 representatives from each state and 2 from each Federal District by Direct election with substitutes.

Term : 4 years.

*Qualification* : Same as House of Representatives—age 35, cannot hold office without losing membership.

Quorum : 2/3rds.

Absence for 10 days without intimation call given to substitute to attend for rest of session forfeits salary for days of absence.

*Budget* : Congress sits together on 1st September to audit accounts, consider budget and vote on other subjects.

*Suspension* : Neither can suspend its session for more than 3 days without other's assent.

*Exclusive Powers :*

1. Approve treaties and conventions concluded by the President.
2. Confirm nomination by President of Diplomatic ministers and consuls.
3. Permit National troops to go out and foreign troops to come in.
4. Consent to president's disposing of National Guard outside.
5. Declaring occasions for Provincial governments.
6. Sits as Grand Jury in allotted cases.
7. Adjust political cases between states.

### 93. Ireland.

#### *General Remarks.*

Any bill passed may be suspended for 90 days on the written demand of 2/5th members of Dail Eiran or of the majority of the Senate. Then before 90 days if 3 5th of Senad Eiran or 1/20th of voters so demand, a referendum shall be granted (exception Money Bills.)

Both the Houses constituting the *Oireachtas* may from subordinate legislatures establish functional or vocational councils with statutory powers.

#### *Judiciary : Supreme Court.*

Supreme Appellate Court—final and conclusive but leave to appeal to Privy Council exists. Judges appointed by Executive Council, nominally by Governor-General.

High Courts can examine the validity of any law.

## 94. Canada.

### *States in Australia, Provinces in Canada and Africa.*

Head of Government Designation—Lieutenant Governor—chief Administrator in S. Africa. Governor in Australia. Holds office during pleasure of the Governor-General Salary fixed by Central Government.

Cabinets—Executive committees of Ontario and Quebec shall be such as are thought fit by Governor-General. Secretary and Registrar—treasurer of provinces—Commissioner of Crown Lands—of Agricultural and Private Works may hold office, if elected while in office, with the Speaker of the Legislative Council and the Solicitor-General in Quebec only Nova Scotia and New Brunswick continue as before.

Quebec has a Lieutenant Governor and 2 Houses—  
Council has 24 members appointed by Lieutenant General. Qualifications being same as for Senate. Quorum 10. Speaker has vote but in equality of votes, proposition negative.

Legislative Assembly has 65 members. Every householder 21 years old is qualified to vote for Legislative Assembly of Ontario. Term is 4 years.

Quebec alone has an Upper House. No votes or seats for women in Quebec.

Oaths of allegiance to be taken. Proportional Representation to a limited extent in provinces. Lieutenant Governors and Governors are to be the representatives of the Crown and exercise Royal prerogative. Agents general of Provinces have no touch with Dominion office in London.

Supreme Court : No Supreme court. President has the right to make laws for uniformity, controlling property and civil rights and of procedure of courts, agriculture, immigration as long as and to the extent it is not repugnant to provincial laws. In Ontario, Nova Scotia and New Brunswick these must be first enacted by Provincial legislatures.

Judges are removable by Governor-General on an address of House of Commons.

Appeals lie from State Courts to Privy Council or the Supreme Court from which further appeal may be allowed to Privy Council by its permission.

Canada has suggested that the Privy Council should be a circulating body, coopting Canadian Judge in Canada.

## 95. Australia.

Governor's appointment is Imperial.

Governor appoints leader of the majority party as Premier and 5 officials from the legislature responsible to the Legislature.

States are in direct touch with Imperial Government under whose advice the Governor is appointed. No obedience to Common Wealth Government or Governor-General. In London the States Agents General have direct access to the Dominion office and High Commissioner.

Legislative Assembly has 3 years term and universal suffrage. £ 150/- salary for both Houses and free pass over State Railways. (In New South Wales there is Life membership without limit of Number.)

Governors' veto is nominal.

Proportional Representation in Victoria and in Queensland. In Western Australia, Tasmania, New South Wales there is preferential voting only.

Compulsory voting in some of the States.

Legislative council's voters being 30 to 40 years of age. Assembly with a small property qualification.

In some States—nomination (Victoria, South Australia, Western Australia.)

Upper House is elective—period 6 years. Retirement rotation. Age 30 years.

Any part of the States may be surrendered to Common Wealth.

New States may be added.

Old laws exist in States. When conflicts occur, Common Wealth laws shall prevail.

No taxes imposed by services and no money to be coined.

High Court of Australia :—Judges are appointed by Governor-General for life. Removeable by address in Legislature. Attracts best lawyers. Good pay and permanence and status ensured. Judges are competent. They enjoy confidence despite being party politicians.

Jurisdiction includes treaties, consular interstate and where Common Wealth is a party—and in cases against Common Wealth officers.

## 96. Newzealand.

### *Judiciary : Arbitration Courts.*

Country is divided into eight industrial divisions each with a council of conciliation.

Conciliation councillors, set up a local council when desired by individual employee or association or unions.

Assessors are nominated by parties. If it succeeds, award is binding. Failing refers to Court of Arbitration consisting of 1 Judge of supreme court, and 1 nominee each of employees and working men.

Holds office for 3 years. 20 years of working has made wages rise without strike or sweating.

### *( Australia—Continued from page 78 )*

In these original jurisdiction. The trial of indictment against laws of states shall be by jury.

Constitution can come before House of Commons only.

A court of Australia is a semi-administrative and semi-judicial body investigating tariffs, and interstate communication. Any bills to limit appeals to Privy Council must be reserved.

State judges appointed by governor for life and removable by a resolution of both houses as in England.

**Administrator has a term, 5 years, and a salary fixed by President. Preference is given to provincials.**

**Executive Committee** consists of **Administrator** and 4 others—members of council or otherwise—elected by the council—holding office till successors are elected—terms not fixed—casual vacancy filled up by election by council or co-opted by the rest—by Proportional Representation.

**Council**—The same number of members as the provincial-quota to House of Assembly, subject to a minimum of 25.

**Every voter can be a candidate**—( Voting qualification for Provincial Council and House of Assembly the same )  
**Term 3 years.**

Cannot be dissolved save by efflux of time.

Council elects a chairman—makes its own rules subject to disapproved by Governor-General.

Allowance subject to fixation by Governor-General in Council.

**Administrative Powers**—In all matters not reserved to provincial governments. Administrator is the sole agent of Governor-General and acts apart from Council.

Money bills must be previously recommended by the Administrator. All ordinances passed must be submitted to Governor-General.

The administrator and the non-member councillors have the right of addressing and taking part in Councils.

Administrator has the casting vote in Executive Committee.

**Supreme Court**—consisting of Chief Justice, Ordinary judges of appeal and other judges of the several divisions of the S. African courts in the Provinces.

Appeals to Privy Council from the appellate division.

Chief Justice—removeable by an address in Parliament for misbehaviour or incapacity in the same session.

Appellate Courts—Chief Justice and 2 ordinary judges and 2 appellate judges.

## 98. France.

### *Central (Committee).*

Chamber of deputies has 11 bureaus and Senate 9 selected by lot. Today Chamber of deputies has 12 Commissions with 144 in each. Senate has 12. Committees act secretly. Author of a Bill may attend.

*Remarks :* House of Commons—England—has complete control over finance both in law and fact. Chamber of deputies only in fact. House of Representatives neither law nor fact.

Supreme Court—a 4 judge court cannot reverse a judgment but must confirm or remand to another lower court of same level. All judges appointed by ministry.

Administrative Courts : Council of State concerned with administration of Law to protect people against executive tyranny as 35 members with 1/2 from service. All ordinances pass through them. Sometimes they re-draft. Constitute supreme administrative court. With 21 more special councillors. Also become a body of legal experts for government.

## 99. Switzerland

### States.

States 1. In two cantons and four half cantons,—there are no legislatures but all voters are members. 2. All but six have a single chamber (grand council or cantonal council). These bodies are elected by popular vote. Ten cantons adopting the Proportional Representation (ten for 3 or 4 years). Each council appoints an executive commission resembling the Federal Council. 3 The Cantons are free to construct their own constitution subject to Federal assent.

Military system is under the administration of Cantons. Cantons may make inter-canton agreements for administration legislature and justice.

Federation has the sole right for war and peace and commercial treaties.

In 2 whole and 4 half cantons, the whole population sits on a Sunday morning in a meadow (Ex. Zurich) with women and children standing on a rising ground behind. Officers elected for the ensuing year. The competence is great, has power to levy taxes and incur expenditure, laws and other powers of the Legislature.

Federal Tribunal :—Jurisdiction in conflict between Federal and Contonal authorities.

Legislative centralisation is combined with administrative decentralization. Federal laws being administered by Cantonal authorities.

Federal Courts: 24 judges—try treason and other crimes against cantons and federation. Issues of fact are required to be heard by a jury of 12—courts can nullify a cantonal Law but not a Federal Law—but enforce all federal laws—contrast U. S. A.

Federal courts can also take cognisance of disputes between canton and citizen on reference by both.

Switzerland has administrative law—Issue placed before Federal council and then in appeal to 2 chambers, and since 1914 they have had an administrative Court as well.

Law fixes maximum and minimum of lawyer's fees.

## 100. Germany.

### *States :*

With the consent of Reich, states may enter into relation with foreign states in matters of State legislation.

Other states can join in self-determination. States have a responsible government. New States and Divisions formed by the Reich by the consent of two territories through a plebiscite to be granted on demand by 1 3 of Reich votes of the separating territory and decided by 3 5 number cast or at least a majority of the total number.

Supreme Court to be established by the law of the Reich.

Election disputes are tried by a commission of Reichstag and judges of the Highest Administrative Court.

Disputes relating to property between separating states left to the Supreme Court.

High Courts and State Courts for ordinary jurisdiction.

## 101. United States.

### *States :— Head of Government*

Governor—most important single factor—chosen by—popular vote from party nominees by direct primary—in all states except Mississippi. In some states convention system still clings to—should be citizen for a number of years—30 years: age—resident for a period. No educational, religious or property qualification. In half the states, 2 years term. Rest (except one) 4 years. Several states forbid a 2nd election. Governor is to State as President is to Federation. Not however a chief executive officer don't care for Governor. May be of opposite political faith, and annoy him being elected by popular vote e.g., State secretary, auditor, treasurer, Accountant-general—who cannot be removed by Governor. His power slight over officials appointed by him. Power of dismissal none—a series of co-ordinate pyramids the Government at the top of only one. Legislature—Government all powerful. Veto except in North Carolina—some states give power to repass as in Congress uses the veto to bring round members. Power of message—budget system—Governor sends it with reasons—legislature practically bound to pass it. Power to summon extraordinary session—to get his subjects being first considered.

1. Power of pardon. 2. Military power. (i) shared with a board. (ii) C-in-C of militia—can be called out by Governor. It is not a standing army—acts through adjutant-general. Statesmanship wanting in legislature. Governor all powerful. Lieutenant Governor in 35 states—elected by popular vote presiding over senate and succeeding governor on death or disability.

No Cabinets—only heads appointed by Governor.

*States—Lower House*—Number—100 to 125 (32 and 412 extremes). In 31 States once in 2 years. Sessions minimum 40 days maximum 5 months. In 2 or 3 states, Houses sit once in 4 years—rest sit every year. President elected. The speaker dominates the Rule Committee and dominant hand in the formation of sub-committees. Universal suffrage—no seat for Governor or officials—coloured people excluded but that law declared illegal by Supreme Court. Legislation conducted by committees (Statute books indicate aspiration rather than achievement—Sitting open only in Massachusetts—Private bills meant for fetching by acquisition of private property. Log rolling, Black-mail or Strike and Public Franchises prevalent.

### United States—(Continued.)

*Upper House:* Average No. 35; Lt. Governor presides if there is one—or else a President—elected.

States have all powers not expressly withheld—Congress has power expressly granted. Nomination and election of Provincial electors and members of the congress is an important function. Congressional districts carved out for election to Congress. 13 States can block constitutional amendments. Members of legislatures, judges governors, departmental heads, county and town officials, are chosen by popular votes. Concerned with everything—a man as a man and a man in society—regulate marriage and divorce, Inter-state railways. Banks other than national. Insurance, Professions including nurse, barber, plumber, dentist, Labour, Public Health—orphanages, Asylums, Alms Houses, Penitentiaries, Education, High Ways, fisheries, Wild life-gaming, hunting Agricultural stations, seeds-nursuries, bunding places, irrigation projects.

## 102. United States of America.

*Supreme Court : Judiciary.*

*Original jurisdiction.*

1. Regarding Ambassadors public ministers and consuls.

2. Where a state is a party.

*Appellate jurisdiction* both regarding Law and fact subject to exception in :

The Laws of U. S. A. under treaties past and future.

All cases of Law and equity arising under constitution.

All cases affecting Ambassadors, consuls.

Cases of Admiralty and Maritime.

Controversies to which U. S. shall be party.

Between two or more states.

Between a State and citizen of another, citizens of an other, citizens of same or different states.

Between citizens of a state claiming lands under grants of different states.

Between a state or its citizens and foreign state citizens and or subjects.

Judges appointed by President, and confirmed by State. Hold office during good behaviour Practically independent 9 in number. Review legislative and executive acts as unconstitutional and void courts thus drawn into political controversy.

Conflict between legislation and constitution—which decides whether Statutes conflict with it to the charge that judges over-rule the will of the people. Answer is the will is expressed in the constitution also. So that constitution is a law of higher degree.

*Ordinary Courts.* Courts play a decisive roll in the interminable conflict between private and public interests—which is what government in America really is.

Federal courts scattered over the whole country—original, not appeals.

Circuit courts—9 of appeal.

The Court of Claims—1 presiding judge, 4 associate judges established by congress.

Court of customs appeal—composition ditto, sits in 9 circuits, hears appeals on question of customs.

### **103. Czechoslovakia.**

Constitutional Court consists of 7 members—2 appointed by High Court of Administration—2 appointed by Court of Justice and 2 others and chairman by the President of the Republic.

To decide whether the Laws are in conformity with Art I of the Constitution.

**104. The Kingdom of slavs,  
croats and serbs.**

The Council of State is the Supreme Court composed of judges 1/2 being appointed by the King from those nominated by National Assembly, 1/2 being appointed by the National Assembly from those nominated by the King.

**105. The Polish Republic.**

*Supreme Court:*

Supreme Court of Control charged with auditing.

Supreme Court President has the rank of the Minister—but no place in Diet Dismissed by 1/5 majority of the Diet.

Election disputes (contested) settled by Supreme Court.

## 106. Sweden.

*Supreme Court:* has 12 Judges called 'Councillors of Judges.'

Administrative Council of 7 members to receive and decide petitions for king's approval relating to forfeiture and against 7 decisions which have acquired legal force.

All appeals other than those to Administrative council lie to the Supreme Court—it shall interpret law, decide appeals against military courts—in such cases 2 military officials shall attend and have a voice. But judges shall not exceed 8.

"*Law Council*"—3 Supreme Courts—1 of Administrative for enacting, elucidating or annulling laws referred to King.

*The Court of Impeachment*—consists of the President of Svea Court of Appeals, the Presidents of all administrative boards of the Kingdom, and in actions against the Supreme Court from the senior members of administrative council or vice versa—and in both cases the highest military and Naval officers in command—two senior members of the Svea Court of Appeal 2 senior members of each of the administrative boards of the Kingdom.

No judge can wantonly refuse to act. The President may be challenged.

Minister can be impeached by the recommendation of this committee for violation of law or default in placing reports before the King. For failure of efficient discharge of duties the Rikstag may recommend to King this removal from office.

The competence of members of Supreme Court and Administrative Council is examined every 4th year by a committee appointed by the Rikstag.

Members may be discharged on a pension of half salary.

## 107. Austria

*Provincial Government*—elected by Provincial Diet—should not be members of Diet but must be qualified to be elected to it.

*Legislation* : Provincial Diets—franchise same as of National Council.

Provincial laws executed by governor and require the assent of Federal Assembly only when Federal corporating is required or sought. But every provincial law must be referred to the Federal ministry before the government gives assent, for objections within 8 weeks may be reaffirmed by Provincial Diet (  $\frac{1}{2}$  present) when it can be assented to by Governor.

*Vienna and Lower Austria*—City Assembly for Vienna and Provincial Assembly for Lower Austria—constitute the Provincial Diet. Deputies being proportionate to the number of citizens. Both will decide matters of common concern. Otherwise they act independently.

The Burgomaster of Vienna shall be the governor of Vienna. City senate elected by Municipal Council shall be the President of the Diet—Magistrate is the Director of the district of Provincial administration.

Administration commission exists to administer matters of common concern—the governors presiding alternately.

Capital punishment in ordinary procedure abolished. Judiciary law may provide for the appointment of a senate which may send nomination of judges along Federal Government nomination—nominations must be thrice or twice the number of posts. Appointment by President or Minister.

Courts cannot judge validity of laws—in case of doubts referred to constitutional courts.

Constitutional court has jurisdiction over all claims.  
1. made upon Federal provinces and communes which are not decidable by ordinary judicial procedure. 2. Has competence between courts and administrative authorities 3. between administrative and ordinary courts. 4. between administrative and constitutional courts. 5. Disputed elections to National Council, Federal Council, and Provincial Diet and all other public representative bodies.

## 108. Norway.

### *Supreme Court.*

Is the court of appeal—consists of 7, together with President—no appeal.

Judges—30 yrs.

### *(Australia.—Continued)*

6. On motions of impeachment when (a) directed against Federal President, by decision of Federal Assembly (b) directed against member of Federal Government by decision of National Council (c) directed against member of Provincial Government. By decision of Provincial Diet (d) directed against Provincial Government by decision and deprivation of political rights. 7. Upon violation of International Law.

The Court consists of a President, Vice-President elected by National Council (all members and deputies) the other half by Federal Council.

## 109. England.

### *States :*

*The Judicature*—The Judicature Act of 1873 has consolidated the existing Courts :—

I. *The Supreme Court of Judicature* divided into 2 branches

(as below)

A. The High Court of Judicature.

B. The Court of Appeal.

II. *The House of Lords.*

III. *The Judicial Committee of Privy Council.*

(I) SUPREME COURT OF JUDICATURE.

(now consists of more than thirty judges.)

A. The High Court of Justice.

B. The Court of Appeal.

(a) Chancery division having 5 ordinary judges and with the Lord Chancellor as President.

(b) The Kings Bench division having 15 judges including Lord Chief Justice as President.

(c) Probate divorce and admiralty division with 2 judges one of whom is a Presiding Judge.

A. The 3 divisions of the High Court of Judicature have the ordinary jurisdiction suggested by their name. They are each one—Judges benches so that you have practically 23 Courts.

B. It Consists of

1. (a) 8 Lords of Justices.

(b) Master of Rolls who constitute a permanent Bench.

2. The Presidents of the Three Divisions as occasional members.

3. Lord Chancellor as Ex-officio and President.

### **(England—Continued)**

An Appeal lies from any of these to B. The Court of Appeal is a 3 Judges Bench and generally there are 2 such benches composed of the “permanent 6 members” as the *occasional* judges and the Lord Chancellor seldom attends.

Next come County Court (District), and co-ordinate with them High Court Judge circulating in counties as “Assizes”. Finally Criminal cases are tried by (a) Justices of Peace (Non-salaried). (b) Borough Judges (paid) and (c) Judges of the High Court circuit. The jury system is falling into disuse.

### **(II) THE HOUSE OF LORDS.**

The House of Lords is the appeal court of last resort. Sits when there is no session of House of Lords. The Lords Chancellor presides. Composed of 3 of the Lords of Appeal in ordinary (from B) attend. Sometimes a 3rd is also added. And also the *ex-chancellors* and one or more *ex-judges* of the higher courts, who have been raised to peerage. Other members of the House never attend.

### **(III) THE JUDICIAL COMMITTEE OF PRIVY COUNCIL.**

Consists of Lord Chancellor, Lords of Appeal in ordinary and one of the judges of the outlying Dominions or dependencies. The Court of last resort for India. Colonial, Channel Isles, Isle of Man and appeal court from the A (c) probate and admiralty division section of the High Court.

## 110. Belgium.

All judges are appointed for life and no dismissal without trial—nor even suspended, not transferable except by a new appointment and with consent.

1. Above there is the Court of Cassation (Brussels) whose judges are appointed by the King from 2 lists—one presented by the Court itself and the 2nd by Senate.

2. Next come three Courts of Appeal whose members are appointed by the King—from 2 lists—one given by the courts themselves and the other by provincial councils.

3. Then come the courts of First Instance—judges appointed by the King. But the Presidents and Vice-Presidents appointed from 2 lists—one given by the courts and other by the provincial council.

Then we have,

4. Courts of Assize for criminal work.
5. Military courts.
6. Courts of Commerce.
7. And Justice of the Peace.

No administrative courts follow in this respect.

Sittings of the court public unless declaration made to privacy on public grounds or morality.

Trial by jury compulsory in political and Press cases. Judges are appointed from the double lists. President and Vice-President chosen by courts from judges.

## 112. Esthonia.

Judiciary elected.

## 111. Japan.

### *Judiciary.*

1. Justice administrated by courts in the name of the Emperor who is the fountain head of Law and Justice. Judges protected—cannot be deprived of their position except through conviction.

Trials and Judgments shall be public—but this may be suspended by Law or Courts, if publicity is detrimental to peace or public morality.

2. Suits regarding rights alleged to be infringed by administrative authority come under *administrative litigation* which has juries or over executive infringements of the rights of citizens—not before ordinary court of laws.

3. Courts have no right to interpret the constitution.

Power rests with emperor *i.e.*, proposed amendment to be submitted by him to the Diet—2/3 quorum—either House—for debating amendment and to be passed—must be approved by 2/3 present.

There is a supreme court at Tokyo which sits in nine divisions of five judges each. Then there are Seven Courts of Appeal. Next below are the District Courts. These are also local courts for trial of minor cases.

There is one administrative court also whose judges are appointed for life on the recommendation of the Prime Minister.

## 113. Denmark

### *Judicial Centre.*

Judges retire at 65 but retain their salary.

#### *Court of Impeachment : (Reigstrat)*

All ordinary members of Supreme Court plus equal number of members of upper house. The court elects its own President. Member judges continue to be judges in part hear cases though they cease to be members. The ministers and others may be charged before the court by King or Falktein. Also other persons may be brought up by King or Falktein. Judges retire at 65.

## 114. Italy.

### *Judiciary.*

All officials come under ordinary jurisdiction for interference with private rights and not interests—Cf. France—where interest and rights treated alike.

Court of Cassation the distinction. It is final Court of Appeal in a *pyramid of courts*. It is a court for settling the disputes of jurisdiction.

Judges are appointed by crown on recommendation of ministers. Generally promoted and must possess legal qualifications—transferred from one place to another and may be removed, being arranged before Court Cassation.

Juries exist—not satisfactory

Administrative tribunal—exists in each Province—judges appointed by the King on recommendation by ministers.

Council of State counterpart to that of France.

## 115. Mexico.

### *States.*

I. The Mexican States have the Republican form of Government with popular representative association; the number of representatives being proportional subject to a minimum of 15.

*Elected at the rate of 1 for each electoral district with one substitute.*

*Boundaries fixed by Agent of State with Congress approval.*

They have no power for coinage and currency or inter-state traffic measures.

II. It is enacted in the constitution that Federal and State legislatures shall forthwith enact laws against Alcoholism.

III. No State can without Congress consent establish tonnage dues or impose taxes (either imports or exports) or keep permanent troops or vessels of war.

IV. The States are entitled to be protected by the Republic against foreign invasion.

V. No person can hold two offices either Federal or State.

## 116 Ireland

Recognises the right to reserve Bill and omits the power to dissolve because by 1922 that power had become obsolete.

Fundamental rights and Domicile or Citizenship.

Domicile or citizenship—Anyone born or whose parents are born, or resident in Ireland for 7 years.

Language—Irish, but English allowed.

No titles except on the advice of the Council of State.

Liberty of person ensured except under military needs, during war or rebellion.

Freedom of conscience and religion Art 8.

Right of Free Speech and assemblage and elementary education secured.

All lands, waters, mines and minerals belonging to state, administered according to law—no lease to extend beyond 99 years.

## 118. Canada.

Fundamental Rights :—Education included in the Fundamental Rights.

## 117. Australia.

### *Imperial Government's Powers :*

Any Bill to limit appeals to Privy Council or altering constitution of the state or either House, or affecting the salary of the Governor must be reserved. The last, unless prior authority be obtained by governor.

*Instrument of Instruction*—regarding reservation—1926 Imperial Conference recognises the right of each Dominion to advise the crown in all matters regarding its own affairs. So that virtually no Bill can be vetoed. But prior consultation is considered appropriate procedure.

*Flags*—A Blue Ensign with Union Jack allowed for Common Wealth forces.

## 119. South Africa.

*Imperial Powers*—Any Bill to limit appeals to Privy Council or altering constitution of State or either house or affecting salary of Governor must be reserved. The last unless prior authority be obtained by Governor.

*Instrument of Instruction*—regarding reservation—1926 Imperial Conference—recognises the right of each dominion, to advise the crown in all matters regarding its own affairs. So that virtually no Bill can be vetoed. But prior consultation is considered appropriate procedure.

*Auditors* : Independent auditor in each province, not removable except with communication commission with President and Governor-General. Receives salary fixed by Governor-General and President. *All warrants for money signed by administrator to be countersigned by auditor.*

*Services* : A public service commission to be appointed to assign offices to Presidents and then a permanent Public Service Commission to be appointed by Governor-General for the Provinces.

English and Dutch are the State languages. *Nationality* : All those born in the union not aliens—British subjects domiciled in union and those naturalised in the union or domiciled for 3 years and children and wives of union nationals.

Nationality lost on acquisition of any other nationality.

*Flags* : Union Jack plus a national flag—i.e., the old republican flag.

## 120. Newzealand.

Civil service commission formed before war.

*In local Government* : husbands' qualifications also of wives. Borough Councils' Chairman elected by votes—some Boroughs run theatres. Education supported by the Dominion government, but administrated by 13 Boards. Elementary education free and compulsory.

Admission to service by competition—age 14.

Except post, Telegraph and Railway entrusted to a non-political service commission.

Promotion by seniority —examination at various stages.

Fundamental rights—Asiatics excluded as from Australia and Canada. A tax of £ 100,- on every Chinese immigrant.

*Flag* : Modified form of Blue Ensign adopted

## 121. France.

Each minister has his own little cabinet with a Chief, deputy-chief and an attache who come and go with ministers,—but they seldom go because they get permanent jobs. There is a pyramid of officers. Directions presided over by a Director—divided in bureaus with a chief as its permanent official. Employees are 500,000. Competitive examinations exist. Promotions guided by seniority, merit and nepotism.

### *Judicial :*

Law changes from area to area. No courts without Bench of Judges. 60000 judges against England 100. Judiciary an administration agency.

District Courts : 5 : 15. Canton Courts—3 : 19 3019.

Courts of appeal to Paris with 3 divisions—the Public prosecutors are the standing Bench. Courts of Assize only have juries—Cassation Courts.

Supreme Court—19 judges.

Three Special tribunals.

Commerce Courts—Labour Courts—Compensation Court—All judges are appointed by ministry—Promotions based 3/4 on seniority and merit. Rest otherwise. Court of Cassation can hear cases against judges for misconduct and remove them.

Criminal Procedure:—Preliminary investigation in cell—followed by close questioning of accused by judge—no restriction regarding evidence—5 judges indict—then placed before a jury of 36.

Civil parties injured summoned witnesses questioned first by judges, also by jurors—then lawyers argue Prosecution—defence—rebuttal—again defence. Judge doesn't charge jury but only puts questions. Jury answers questions by ballot. Judge goes to jury room—never Jury to judge for advice as in U.S.A. Jury wants assurance about punishment first—judges may only acquit if unanimous but not convict on a jury vote of 6 to 6, or 7 to 5.—lenient sentence dictated by jury in Political and Strikes. Unwritten law of crimes and passional crimes.

Prisoner bears evidence against himself.

*General -Central and States.*

Cantons may make inter-canton agreements for purposes of administration, legislation and justice. Federation has the sole right for War and Peace, Commerce and Treaties.

No standing army maintained. Each Canton contains 300 military men Domestic troops paid for by Cantons but not general troops.

*Every Swiss male liable for military service.*

Public Works is a central subject—likewise control of—Police, of Forest and Embankments—control over water-power re-forestation; legislation regarding navigation, electricity, fishing hunting and preservation of forest animals, legislation of Railways, Politechnics and universities—Cantons duties.

*Fundamental Rights* :—1. No privileges of Rank, birth or family. 2. Members of Federation shall not accept gifts, decorations etc. from the foreigners. 3. Freedom of Trade guaranteed—except salt, gunpowder and liquor. 4. Every citizen of a Canton is a Federal Citizen. 5. Political rights can be exercised only in one Canton. 6. Three months residence necessary to exercise citizenship rights. 7. Naturalisation is a Federal subject—Every subject has right to reside anywhere unless disqualified by (a) penal conviction and deprivation of civic rights (b) repeated convictions for grave misdemeanour (c) permanent burden upon public charity (d) and where communes or cantons of origin refuse to provide maintenance. 8. Freedom of conscience exists—but cannot be a bar to the discharge of obligations of citizenship. 9. But Jesuits and their activities forbidden. 10. Foundation of new religion or revival of those suppressed forbidden. 11. Marriage is protected. 12. Wife acquires citizenship of husband. 13. Children before marriage, are legitimatized by subsequent marriage. 14. Liberty of Press guaranteed by canton. 15. Imprisonment for Debt is abolished. 16. No sentence of Death for any political offence. 17. No corporal punishment.

## 123. Germany.

### *Fundamental Rights and General Rights.*

1. *Flag*—Black, Red and Gold. Now (1933) gone—old monarchical flag. 2. No more titles German or foreign. 3. All foreign languages tolerated in courts and schools. 4. Freedom of political opinions and associations guaranteed. 5. Free intercourse between subjects of states and full rights. 6. People cannot be punished for acts committed, not offences at the time. 8. Families—*i. e.*, with many children—are entitled to special provision. 9. Illegitimate children protected and nurtured. 10. Provision to restrict open air meetings by demanding notification and also forbid them. 11. Officials right—(a) no remarks against officials entered without opportunity to reply. (b) All records to be accessible and (c) freedom of association (political to officials.) 12. Religion—On no ground to disclose religion except for judicial and statistical purposes. 13. Unions of religious bodies have the right of taxation. 14. Education—Art, and sciences are free and teachings thereof detailed provision exist. 15. Private schools subject to the Law of States. 16. The aim of education is to develop character, citizenship, national feeling, with fellowship; also vocational and personal efficiency. Each student entitled to a copy of the constitution on leaving school. Economic life also organised so as to make life human worthy of human being—property regulated—land controlled so as to ensure healthy homes and economic homesteads.

*Local Government.*

1. System of election direct only in villages and towns. Villages less than 300 population grouped with other for villages. In towns only workshops and large stores elect 1 for 500. Elections annual, members being subject to recall. 2. Volost Soviet—one for ten villages—charged with general work of administration. Meet once a year but conferences of chairmen meet oftener. 3 Volost conferences create one deputy, Uyzed or country congress of village soviets for every 1000. Maximum 300. Has a dozen departments—including war, labour, administration, finance, education, agriculture, food and health 4. Provincial or Gubernia—representatives from Volost Soviets and Towns Deputy. 1 for every 10000 in Volost—in Town 1 for every 2000 electors. Maximum 300. 15 departments—New ones being justice, Post and Telegraph, special judicial called Extra-ordinary Commission—5. Regional or Oblast Congress—Congress convened by itself suo motto through Executive Council or on demand by Local Soviets representing 1/3 inhabitants of the locality or half the strength (the latter in towns)—at least once a week in towns and twice in the country. Should submit reports once in a fortnight. Failing two reports liable to be removed. 6 All Russia Congress—Congress of deputies of (a) town soviets. (1 for 250000 electors) (b) Gubernia Congress (at 1 for 125,000 inhabitants.)

Free union of nations as federated republic. Right suppression of all exploitation. Private ownership of land abolished—handed over to people without compensation. All forests, underground mineral wealth, waters of the nation, livestock.—model farms, and agricultural concerns declared to be public property. Third congress repudiated debts and since confirmed. All Banks transferred to government—Work is obligatory—arming of workers and the red army of Socialists undertake to prevent exploitation. Secret treaties repudiated.

The third Congress confines itself to Russia and leaves others free to join through Soviets.

Right of recall exists—

General Conference of Soviet authorities—1. Execution of higher instructions. 2. Measures for cultural and economic life. 3. Solution of questions of local importance. 4. Unification of local activities.

## 125. **Czechoslovakia.**

**Flag:** White, Red and Blue.

Oath exists; faithful to the Republic—uphold its Laws—carry out duties to the best of ability and power.

## 126. United States of America.

*State Judges:* Selected for life in 7 states by Governors subject to approval by Senate or Legislative Council. Removable by impeachment. In 5 states for a term and in 2 for life. In 4 other states elected by legislature for terms long and short. In others by people and in one for life. Salaries vary from £1200.

(i) Low salaries (ii) short terms (iii) Elections by party manager make a judge's place uncoveted. State judiciary below lawyers.

### *Civil Services.*

Customs and postal—scientific and diplomatic officials—envoys ; consuls—all vacate with President—are party spoils and political appointments. Owe allegiance to party not nation. Must contribute funds and first work for party on pain of dismissal. No certainty of tenure or promotion—reform since 1883. C. S. Commissioner appointed—292 thousand posts placed under it. Party still has 190,000 posts under National Government. The civil service except in Scientific is not equal to task. There is a civil service commission which deals with 280,000 out of 500,000 federal appointments, but president can remove any office from their category.

*Municipalities:* Two Forms; (I) *Mayor* elected by citizens; term 4 years—judges and magistrates also elected for 4 years. Mayor receives salaries also councillors. Council uni-or bicameral. (II) *Committee system*—a council of 2 to 6 elected—highly paid.

(I) *Towns* governed by citizens—select men forming an administrative-council with power of interrogation. Officials elected for ensuing year. (II) *County*—judicial divisions governed by officials elected by people for short terms—not a county council.

Councils not to supervise. Officials conduct the business—duties prescribed by statute. In N. Middle. Western States management in the hands of people. County offices filled in on party basis.

## 127. The Polish Republic.

Fundamental Right :—No fragmentation of Land.

### ( United States of America—(continued) )

*City Government* a failure. Rich men not interested. Swift growth of mixed population, and no taxes. Citizens become tools of party intrigues. Moreover heterogeneity of population not a cementing factor.—Irish; German; Pole; Swiss; Italian; Czech; Swedish; Slavs; Magiar; Russian; Greek; English; Syrian; and Polish Jews. Franchise conferred irrespective of capacity.

Rogues capturing city State and Federation; Form Junta or ruling King. Power concentrated in Railway Boards and Universities.

## 128. Sweden.

Life, honour, well-being, personal and real property, peace of home and conscience—all are protected.

Accused have the choice between pardon and punishment.

Foreigners may be appointed to professorship (not theology) military but not command of forts, and medical.

Women excluded from priestly posts.

A naturalised foreigner has equal right except to Council of State rank.

Titles given are Baron and Count, personal and hereditary. Universal compulsory service with a permanent nucleus fed by voluntary recruitment.

Freedom of Press only involves no previous censoring but does not rule out subsequent punishment.

## 130. Austria.

### *Federal Accounts:*

A court of accounts directly subordinate to National Council with a President elected on the motion of Principal Committee of N. C.—must not be member of any representative body or an ex-minister within 5 years. Removable by resolution of N. C. and the officials are appointed by President of Federation.

*Administrative Court*—consists of President, and half the judges nominated by Federal Government and approved by P. C.; the other half with the V. P. with assent of F. C. This is a court to which final appeal lies regarding administration and constitution-guarantees but the process may be shortened by a legislation on it anywhere but not in matters relating to ordinary courts or constitutional courts or Joint Board.

### *Local Government.*

Communes are independent economic units being local for 20,000 and below and district or urban above 20,000 with independent finances and taxes and economic undertakings. Acquire and hold property. "Local—a Street Police" for local security.

## 129. Norway.

Criminals have the right to say whether they shall suffer the punishment or seek King's mercy.

Royal princes may not hold high office.

No personal or mixed hereditary titles or privileges allowed.

Storthing makes regulations for naturalisation. Nationality—official posts given only to national citizens speaking the language—born of national parents—then subjects of State or born of Norwegian parents abroad without being citizens there and hereafter ( the Act ) reside in the State for 10 years or naturalised by Storthing.

Exceptions: Teachers (university and colleges) Medical officials and Consuls. Usual fundamental rights are respected. No earldom, barony, or entailed property to be created in future.

Compulsory defence for a time.

Evangelical Lutheran Religion—Jesuits not tolerated. Storthing appoints five auditors.

## 131. The Kingdom of Slavs, Croats and Serbs.

### *Fundamental Rights.*

Rights of Association—Speech—Press—Telegraph and Postal.

Privacy may be suspended during war. Capital punishment abolished for political crimes, except for treason and crimes involving murder.

## 132. Estonia.

### *Fundamental Rights.*

No legal class division. No titles, native or foreign. No retrospective effect from crime laws. Elementary education free and compulsory. Liberty of speech restricted only for morality and security of state. Privacy of T. P. Telephone invariably only by order of courts. Racial minorities allowed special institutions for culture. Language of minorities allowed but National Language supreme.

German—Russian—Swedish allowed in legislature and courts.

### 133. England.

#### *Fundamental Rights:*

*“British Subject”*—includes every one who owes allegiance to the King and is not restricted to the inhabitants of British Islands. Paupers in public institutions have no residential qualification—no disqualification otherwise.

### 135. Spain.

Castilian is the language.

Renounces War as an instrument of national policy.

International law is incorporated as positive law.

Provinces can unite into region to form a political and administrative unit, provided charter is submitted by the majority of its governing bodies or 2/3 of votes in the division and accepted by 2/3 voters and approved by Cortes.

No distinctions and no State Church.

Usual fundamental rights embodied.

Family, economy, farmer, arts and culture are protected.

## 134. Belgium.

### *Fundamental Rights:*

Citizenship regulated according to laws—naturalisation, only if full, gives foreigners equal political rights.

All Belgians are equal—individual liberty guaranteed—domicile is inviolable—no searches and no deprivation of property except according to law. Total deprivation of property of civil rights abolished. Religious liberty and freedom of worship guaranteed. Civil marriage shall always precede religious ceremonies—private instructions not restricted.

Press is free—no censorship at any time—where the writer is known, neither the Editor, nor printer, distributor or publisher is prosecuted.

The right to assemble, in open air, only regulated by police—petition of rights exists—collective petition only to legally organised bodies.

Use of language spoken in Belgium optional. All powers emanate from the Nation.

*Flag:*—Red, yellow and black.

*Coat of Arms*—Belgian lion—Union gives strength.

## 136. Denmark.

Four auditors elected by a committee of 15 members who are elected by both the Chambers. They can call for documents and see to the genuineness of the documents.

Equal rights to men and women.

State religion—Evangelical Lutheran—State maintains it.

No tax imposed—no troops moved—no contracts entered into—no land alienated except according to law.

On religious ground no one need lose his right or can avoid duties.

State help to persons on certain conditions.

Poor children given free education.

Every person can publish but liable to punishment. But no censorship or preventive measures,

No association permanently dissoluble by government.

Everyone fit is bound to render military service.

All privileges of nobility, title and rank abolished.

### 137. Italy.

Similar to France—centralised—supervised by ministers—in 25 provinces—the system varies. But with Prefect appointed by the King on recommendation of ministers—promoted from lower positions. Is the local agent of the National Government. Takes active part in politics—gets promotion or demotion as results in elections—assisted by the administrative staff (a sort of provincial cabinet).

In each province there is an administrative council sitting for months—appointing a commission during recess. But Prefects are responsible to National Government. So Prefects and Provincial Councils agree.

There are arrondisements and communes—no legal distinction between city, town and villages—all are communes. Mayor elected for 3 years—cannot be removed—but subject to instructions of Prefect and serves two masters—municipal system is honeycombed by party politics.

## 138. Japan.

### *Fundamental Rights :*

Embodied in 15 articles—No absolute guarantee of civil rights and liberties afforded in the constitution—but legislative enactment has rapidly advanced these.

Extension of suffrage—liberty of Press and Speech—public meeting and political association—reform of Criminal law—are evidence of growth of popular rights.

*Party System*—centres round Indiri—a relic of the Fenosel System but now policies are taking the place of persons.

*Fundamental Rights and Domicile :*

(1) Personal guarantees are enjoyed by all. (2) Slavery forbidden. Slaves entering from outside become free. (3) Instructions free but secular only. (4) No religious corporation or minister shall found primary schools; and private primary schools shall be started only with approval of authority. (5) All people entitled to any lawful profession or calling. (6) No one can be deprived of fruits of labour except by law. (7) Licences of profession determined by law. (8) All labour is voluntary. (9) But following services are obligatory : (a) military (b) jury (c) municipal election officers direct or indirect (d) service in election. (e) the State shall not permit of any contract or agreement involving curtailment of liberty by reason of (i) labour (ii) education (iii) monastic orders prohibited or even (iv) voluntary prescription prohibited. (10) No labour contract shall exceed one year to the detriment or prejudice of the Party nor shall it involve the waiver, loss or abridgement of any civil right. (11) Breach of contract involves only damages but not penalty. (12) Freedom of writing inviolable. (13) No sequestration of printing press as corpus direlecti. (14) Right of petition peaceful and respectful-must be answered by an official. (15) No armed assembly has the right of deliberation. (16) No constitutional peaceful assembly objected to. (17) No arms prohibition by law except police rules. (18) No titles of nobility. (19) No trial by private laws or special tribunals (20) No privileges or emoluments except as compensatory by law. (21) Military training strictly limited to Mexico men. (22) No retrospective effect to Laws. (23) No deprivation of life, property or liberty of men without the trial of pre-existing laws. (24) No treaty for extradition of offenders who are slaves in their own country. (25) No personal molestation except under Law. (26) No searches, no civil jail for debts. (27) No previous detention except for offences meriting punishment inflicted upon person. Such detention places are different from jail. (28) The Federal and State Governments and colonies are to organise penal systems and colonies on the basis that labour is a means of regeneration. (29) A man may not be asked to give evidence against himself. (30) Period of detention reckoned as part of sentence. (31) No capital sentence for political offences. (32) No combines, monopolies exemption from taxation nor prohibition under cover of protec-

( Mexico—Continued )

tion, except currency copyright and coinage. (33) No cornering resulting in inflated prices.

*Note:*—Associations of Labour or Co-operative Associations are not monopolies.

*Domicile and Birth*—(I) Those born of Mexican parents themselves Mexicans, within or without the realm of those born in the republic of foreign parentage, if within one year of their majority, they declare for Mexican citizenship, or have had 6 years residence.

(II) Naturalisation—Those who live for 5 consecutive years and have an honest living and those of mixed descent willing to naturalise.

## 140. Ireland.

*State & Industries:*

**Treaty Power:**—

Relations with Vatican, Berlin and Paris.

**Change of Constitution :**

Change within the terms of the treaty to be operative must be approved by a referendum carried by a majority of votes on the register or a 2/3 majority of the total votes polled.

Repealed in 1922 by Cosgrave for fear of De Valera using it to harass him in the matter of abolition of oath. Change of constitution is effected by the initiation of people for which Parliament is required to make provision in 2 years, failing which a petition signed by 75,000 voters of whom 15,000 shall be from one constituency shall compel Parliament to make revision or submit it to referendum.

## 143. South Africa.

Free Trade within the Union throughout.

**Treaty Powers:**—Relation with Washington, Rome, and Hague.

Hertzog claims sovereignty of Dominion and the right to be neutral in Imperial Wars.

South African Parliament may amend or alter under certain limitations except some which require both Houses to sit together and then to be passed by 2/3 majority of both the Houses.

Constitution altered in 1926. No Asiatic can be member except in Cape of Good Hope.

## 141. Canada.

### *Treaty Powers.*

Canada has established relations with Tokyo and Paris.

## 142. Australia.

### *Change of Constitution :*

Matters affecting strength of representation in either house of state or its boundaries, must first be approved by a majority of electors voting in the state.

1. Constitutional changes must be passed in both the Houses or twice by either House with an interval of 3 months.

2. Thereafter submitted to other House and then referred to the people.

3. Majority of States must pass them.

Changes in the Canadian constitution by Imperial Parliament which it readily does if the Canadian Parliament so desires.

## 144. Newzealand.

Did not join Australian Federation for fear that it could not levy Tariff against Australia, Goods-Land Tax graduated—1d. on £ upto £ 1000/- to 7d. on £ upto £ 193,000. Absentee owners 50% excess.

Originally Railways managed by a Board of 3—but now by minister.

Oyster beds, mineral springs, coal mines (life and Fire Insurance—now greatly superceded by private efforts.)

Cheap agricultural loans. Help for House building, water-power and forests Co-operation elaborate.

## 145. France.

The two Chambers by separate resolutions passed by absolute majority can declare necessity for the revision of the constitution. Then they meet and revise. Act must be passed by absolute majority of the National Assembly.

Republican form of Government shall not be disturbed.

## 146. Switzerland.

*Citizenship* : Swiss citizenship may be claimed by anyone with the domicile of any commune, in any canton each commune being free to make its own rules.

### *Change of Constitution* :

Total revision—When either House wants and the other not—or 50,000 voters demand—question of revision submitted to referendum for Aye or No. If a majority approve, a new election of both the houses for the purpose of revision is effected.

Partial revision takes place by initiative or by the forms required to pass Federal Laws. Demand must be separate for each of the several separate provisions. The demand may be general or in the form of a Bill.

Revision comes into force after acceptance by majority of citizens and a majority of states—half cantons have half votes.

## 148. Russia.

### *Council of Labour and Defence* :

A kind of cabinet, charged with the study of economic and military affairs supervising inter-departmental commissions. Similarly constituted in lower strata e. g. State economic plan and state election Commission. It receives reports from a hierarchy of commissions. Similarly constituted in lower strata—decisions passed through commissaries and E. C. Congress to Congress and Soviets and can be set aside only by Council of Commissaries and Central Executive Committee.

### *Amendments of Constitution* :

The 7th, 8th and 9th Congress (1919 – 20 – 21) altered the constitution by decrees.

*General* : The Presidium has the right of ratifying or suspending or postponing the decisions of the Council of Peoples' Commissions, for the reconsideration of the Central Executive Committee.

*Note* :—The Russian constitution was materially altered in March 1936 and is known as the Stalin Constitution.

## 147. Germany.

German merchant-shipping forms one united commercial fleet. Germany's political frontier coincides with Tariff and customs frontier.

Customs and duties are administered by the Reich with due regard to the interests of any state.

Railways for general traffic to be nationalised and managed by state on a uniform traffic system.

*Change of Constitution* : effected by 2/3 majority of Reichstag for which quorum is 2/3. There must be 2/3 majority in favour of amendments.

Where such amendments are decided by popular initiative the consent of the majority of voters is necessary.

If Reichstag decided for an amendment against Reichstrat the President shall not promulgate it if Reichstrat demands an appeal to people within 2 weeks.

## 149. Czecho-Slovakia

*War and Constitutional Amendments* :

War and constitutional amendments to be passed, require 3/5th of all members in each chamber.

## 150. The Polish Republic

*Change of constitution*;

By an ordinary majority of a joint session of the two Houses but not within 10 years of the passing except by a majority of 2/3 of Diet.

## 151. United States of America.

### *Fundamental Rights :*

Habeas Corpus shall not be suspended.

No title of nobility.

No slavery or involuntary servitude.

First 11 amendments relate to Federal Rights.

States forbidden to pass bills of attainder—or laws impairing the obligations of contract.

Bill of Rights passed by the Congress.

*Citizenship :* It does not necessarily mean right to vote, for regulation of suffrage is by state so that a citizen having no vote may be President or have a seat in the Congress, as the former is open to native born American and the latter to citizens.

### *Change of Constitution :*

Whenever 2/3 of both Houses demand or 2/3 of the States demand convention for proposing a change and the change is so proposed, it shall be called ratified by 3/4 of the states by conventions therein (3/4) but no state shall be deprived of its equal representation in the Senate without its consent.

*Stages :* Proposal by convention of Congress, being application by 2/3 states legislatures and ratification by 3/4th states.

Proposal by convention as above and ratification by legislatures conventions in 3/4th States.

Change of constitution is more difficult than in any other country.

No general convention is called yet.

*Party organisation—Primaries:* 1. Selection of party candidates. 2. Party delegates to conventions. 3. Take charge of local party work.

## 152. The Kingdom of Slavs, Serbs and Croates

### *Change of Constitution :*

It requires initiation by King or Assembly—legislature is at once dissolved and reconstituted within 4 months—considers constitution and redissolves itself and reconstituted.

### 153. Sweden.

State Bank is under the guarantee of Rikstag with. State sending commissioners on its management.

It alone issues notes.

#### *Change of Constitution :*

A change requires a dissolution and election on the constitutional issue making the New House a constitutional Assembly for the purpose.

Then a fixed quorum and special majority for the passage of the change is required.

### 155. Austria.

#### *Change of Constitution :*

Amendments - quorum 1/2 must be supported by 2/3 present if it is so desired by 1/3 of National Council or Federal Council.

Present constitution may be altered by present Diets so long as it does not affect Federal Constitution - (half present 2/3 majority) and reconstituted in 3 weeks.

### 156. England.

#### *Change of constitution. :*

Alterable by ordinary channels of legislation.

## 154. Norway

### *Change of Constitution :*

Proposals to be submitted to the first or second session of the Storthing to be considered by only first or second Storthing after the next election provided such an amendment shall not be at variance with the spirit of the constitution.  $\frac{2}{3}$  of Storthing must agree.

## 157. Belgium :

### *Change of Constitution.*

No change of constitution during a Regency—first a declaration by the legislature is required that a certain amendment is in order.

Then both houses are dissolved and resummoned in two months. With the approval of King they consider the point and decide. Quorum is  $\frac{2}{3}$  of either House. Amendment to be supported at least by  $\frac{2}{3}$  of it.

## 158. Denmark.

### *Change of Constitution :*

If both houses approve of the amendment and if the government wants to give effect to it, new elections are held simultaneously for both houses and if the new Reichstag passes the bill it shall be presented to the constituents of Falkstein for direct vote within 6 months.

If 45 per cent of the voters and majority of those actually taking part accept it and it receives royal assent, then it becomes law.

## 159. Mexico

### *Duties.*

1. Compel attendance of children and wards at public school under 15 years for primary education, and military as well as civil training.
2. Enlist and serve in the National Guard for defence of territory and state.
3. Pay taxes and rates to Government and local bodies.
4. Register in land taxes and registration of properties and also in the electoral registers, enlist in the territorial guards, vote in popular elections, discharge state duties in Federal offices on remuneration and serve on councils and municipalities and juries.

### *Rights.*

1. Mexicans are preferred to foreigners for concessions, commissions and public offices when citizenship is not indispensable.
2. No foreigner is employed in military, police or department of public safety in peace times.
3. Only Mexicans by birth are to be in the Navy.
4. Aliens can be expelled.
5. No foreigners can muddle in the affairs of the country.
6. Mexican citizenship in attainment of 21 years provided honest means of livelihood exist. It gives the prerogative of (a) offices (b) right of assembly for public affairs (c) service in the Army (d) exercise of the right of petition.
7. Citizenship is lost by naturalisation in a foreign country by officially serving a foreign government or compromising one's self before ministers of other creeds.
8. Rights and prerogatives of citizenship suspended for—
  - (a) failure of duties.—Suspension lasts one year and is in addition to other penalties.
  - (b) for convictions and for being fugitive from justice.
9. Women exempt from considerable physical work. Three months before and one month after delivery—but wages given—during period two extra hours given for nursing.
10. Minimum wage is that which is sufficient for education, lawful pleasure and normal needs of a workman taken as head of family.
11. Participation in the profits of agriculture and industry allowed.
12. Same remuneration for both sexes for same work.

(Mexico—Continued)

13. Special commission in each municipality in each state to determine minimum wage and rate of profit-sharing.
14. Overtime work is to be paid 100% and shall not exceed 3 hours nor continue more than 3 days.
15. No woman or boy under 16 to be engaged.
16. Sanitary dwelling houses are provided, rent being  $\frac{1}{2}\%$  per mensem of the assessed value of the properties.
17. Schools, dispensaries and other services necessary to be provided by employers, if more than 100 are employed in a factory as workers. Building places are still to be found.
18. If working population exceeds 200 then a space of 500 sq. metres be set apart for markets and places of amusement.
19. No saloons or gambling houses permitted.
20. Employers are liable for accident or occupational diseases.
21. In public-utility services 10 days notice to be given regarding all strikes; and strikes unlawful if violence is used and in war.
22. These laws do not apply to munition factories.
23. Lock out regulated by prices subject to Board of conciliation and arbitration by a Board of Representatives of equal number of employers & workmen and one representative of government.
24. Only one's wages are liable for debts. Wife and Children free from liability to pay.
25. Stipulations exist which invalidate contracts.
26. Remuneration for the President, Members and Judges of Supreme Courts cannot be altered during term of office.
27. *Religion*—No religion forbidden but Federal authorities can interfere within limits of law.
28. *Marriage* is a civil contract. Age subject to law.
29. *Church*—Churches are not in law, judicial persons. No religious minister can criticise fundamental law of the country. The authorities are the government.  
In general religious ministers have no votes and are ineligible to hold office; cannot assemble for political purposes. Educational training for the profession of religious ministers shall not be rewarded or given any recognition in official institutions. Any professional degree obtained in violation of this rule is null and void, and any authority violating it is criminally liable.
30. No periodical or paper by its programme, or title or even general tendencies of a religious character has a right to comment upon the political affairs of the Nation.

## 160. Ireland.

### *General Remarks :*

Dominion Parliaments created by Imperial Parliament but not delegates of that body.

Exclude and deport British citizens—have their own currency—create their own titles and keep out British titles.

They cannot declare war.

## 162. Australia.

### *General Remarks :*

Labour caucus—Senate vote Adopted on bloc party organisation.

4 great cities absorb 1/3 population—a vast arid area—remaining land owned by a small number small farmers less important than in Canada; no middle class, no airs or plutocracy—wealth remains not more than 40 years.—No hereditary interest—no semifuedal relation between labour and master—Sheep shearers migratory—stationary population is loaders of ships and gold diggers having no social status.

Where the powers are concurrent between Commonwealth and States, the States yield to Commonwealth.

## 161. Canada.

### *General Remarks :*

*Public Debts* :—Canada's debt is fixed. Provinces also retain property subject to Canada's right to require it for fortification.

No internal tariff and no tax on Canadian land and property.

Acts published in French and English. The division and adjustment of debts, liabilities, credit property and assets of Upper Canada and Lower Canada referred to three arbitrators from Ontario, Quebec and Canada—selection to be made by their respective legislatures.

New colonies can be admitted on an address of the Parliament of Canada and the territory concerned on terms and conditions specified. Immigration and agriculture fall under both centre and provinces but centre prevails.

Co-registration exclusively to provinces. But regarding electricity and navigable rivers it is difficult to determine control between Provinces and Centre.

## 163. South Africa.

### *General Remarks :*

All revenues powers vest in Governor General.

There shall be 1. Railway and a Harbour Fund. 2. A consolidated fund on which the debts service shall be a first charge.

A finance commission is appointed to settle relations between union and provinces.

Crown lands, mines, and minerals vest in Governor General.

There is a statutory Railway and Harbour Board of three, with the minister of State as chairman.

Union shall assume responsibility for all debt likewise—Ports, Harbour and Railway.

Purely centralised and non-responsible government—Reasons :

1. In all Provinces, laws are enacted by delegation to Province by Governor General.

2. To be approved by Governor General.

3. All appropriations to be previously assented to by administrator or Governor General.

## 164. France

*General Remarks :*

**Development of constitution :**

1793 to 1885.

Every public and municipal office forbidden to distribute literature.

The Senate is very attractive—deputies rise to Senate and then to the presidentship.

No dominant parties exist in France. But groups of parties known as blocks with several leaders, no definite principles and no trace of discipline.

In France the form of government is that of a Republic—the institutions are of a monarchy and the spirit is that of an empire.

In England the ministry keeps its impulse on the country, in France on the parliament. France is a bureaucracy not a democracy.

French members expected to seek favours for friends such as honours, decorations, medals, ribbons, college Bursaries and tobacco sale license. French members are better speakers.

**165. Newzealand.**

*General Remarks :*

No illiteracy amongst the native born Newzealanders.

*Legislation :*

Semi-socialistic state.

*Referendum* tried only once in case of prohibition.

No corruption

**166. Czecho-Slovakia.**

*General Remarks :*

*Joint Session* convened by President—procedure same as that of Chamber of Deputies, the chairman of Senate being the vice-President.

## 167. Switzerland.

### *General Remark:* :

1891—Initiative introduced applies to ordinary Law in all cantons except Lucerne, Freeburg and Valley.

Federal Constitution 29th May 1875.

*Referendum:* 30,000 active citizens or 8 cantons required to ask for referendum to people within 90 days of passing a law. It may be optional or obligatory. Except for the constitutional amendments the Constitution provides only for optional referendum for federation.

*Initiative:* Each of the members of the 2 councils as well as the cantons, by correspondence has the right to initiate laws.

### *Swiss Confederation or Helvetic Republic:*

Federal Court located at Lausanne to placate the French sentiments as Berne is the capital and Zurich is the seat of the National Politechnic School.

One canton, Freeburg has no referendum at all. Until recently, treaties were exempt from referendum but from 1921 like all enactment, treaties also may be the subject of referendum. In cantons obligatory referendum prevails over optional, now in use in 11 cantons, while 7 make use of the optional.

*General Remarks :*

No testamentary trusts—unearned increments used for common purposes.

Free time guaranteed for civil rights and honorary offices—the acceptance of latter obligatory on Germans.

Labour organised—co-ordinated with District workers councils and Economic council of the Reich.

Under such circumstances if 1/20th of the voters so desire in respect of the law, referred by demand of 1/3 the members of the Reichstag.

(a) If the President of the Reich so desires within one month and before its promulgation.

(b) Or if 1/10th of the voters initiate a request for the introduction of a Bill it must be submitted to the Reichstag by the Government. President has right to appeal in cases involving taxation and payment.

*General Remarks :*

All Russia Congress constituted the fundamental Law. Study of this basic principle of constitution is compulsory in schools.

*General principles of constitution :*

1. Establishment of dictatorship of workers of town and villages and suppression of bourgeoisie.
2. Authority in Urban and Rural Soviets.
3. Soviets of regions may unite into regional Congress and unions on a Federal basis.
4. A Church separated from State and schools from church.
5. All Russian Congress of Soviet and its executive supreme.
6. All printing resources of newspapers transferred to workers.
7. Freedom of meeting, procession, organisation—use of Halls—heating and lighting.
8. All means of self organisation free to Workers and Peasants including free education.
9. He that does not work, neither shall he eat.
10. Defence of Socialist fatherland and military duties obligatory.
11. Citizenship and workers right conferred through Soviets on foreigners.
12. Right of Asylum against persecution for religions or politics is granted.
13. All citizens equal—no privileges—no repression of minorities.
14. Individuals and sections are deprived of privileges detrimental to socialist regime.

## 170. United States of America.

### *Change of Constitution :*

**Initiative :** In force in 19 states for laws and in 21 for constitutional reform —sometimes citizens paid 5 cents and more for signing to demand initiative. Average cost of initiative £ 1500 in California. Force and fraud prevail because illegible signatures are not invalid. Pamphlets are circulated on subject of initiation sometimes beforehand.

**Government has no initiative Bills.**

Constitutional amendment overrides the fundamental rights.

Fear of referendum prevented many bills from being passed and initiative many good bills from being rejected.

Recall exists though seldom exercised.

Recall of elective officers including judges in 6 States and except judges in 10 states.

**Amendment XVI - Income-tax** ruled out as a state matter.

**Treason :** Levying war against States. No attainder shall involve corruption of blood. Privileges and immunities common between all states — but extradition exists.

Child labour is illegal in some states.

**Amendment XV—Election of President and Vice President.**

**Amendment XVII—Concurrent jurisdiction in case of prohibition.**

**Amendment XIX Women votes.**

**Amendment XV—Equal rights to Negroes** dropped by Southern States.

**Check and Balance System:** —1. Legislative 2. Executive 3. Judicial departments kept distinct from and independent of one another. 1 cannot go into 2 or 3; or 2 into 1 and 3, or 3 into 1 or 2.

President may veto Congress but veto can be overridden by 2/3 majority of Congress. Courts have power to declare acts of Congress unconstitutional. Congress and President may be at loggerheads or both with Courts.

American President reigns and governs—British King reigns but does not govern—French President neither reigns nor governs—German President governs.

*(Continued on page 133)*

**(United States of America—Continued)**

Immense waste to litigants by incompetence of courts—Criminal Justice worse—trial inordinately long—difficult to get jury for (a) want of proper list (b) challenging systems.

A year or more elapses before a full court deals with objection raised before single judges. Lawyers have the option of representation on jury—lynching frequent in southern States.

*Corruption* : Intimidation; false counting franchise Tammany tactics—Tamman Tammany exercises huge patronage including Police, Judiciary—Inspectors and canvassers—election courts packed with their own men. Press was paid—journals subsidised—purity distasteful to machine-men in all parties who co-operate on the principle of no ethics in politics.

American citizens are aggregation of atoms like desert sands 'swept by winds hither and thither'.

*Crimes* : Jobbing of contracts—sale of franchise—immunity of law breakers and complicity of police.

No religious differences—no bitterness—no class distinction as on continent—parties are mere labels on empty bottles. Scarcely Press owned by a politician.

Citizens well-informed but party ridden—a bad judge of measure but a good judge of men.

## 171. Sweden.

### *General Remarks:*

Oldest fundamental law now in Europe.

Marriage of Prince without King's consent involves forfeiture.

*Referendum:* The King may refer any matter for popular reference in which votes of more numerous chamber (2nd chamber) take part.

A committee appointed every 4th year by Rikstag, of 6 persons who with attorney of judicial affairs shall watch over liberty of Press—two out of 6 being lawyers. The permission given by them exonerates authors.

## 174. Belgium.

### *General Remarks:*

Army by voluntary recruitment.

Treaties should be public.

The House of Representatives is divided into 6 Committees or sections to which are referred bills (renewed every month by lot) unless a special committee is appointed for a particular bill. Each section appoints a rapporteur and all these rapporteurs form a *central section* with the President of the Chamber appointing its rapporteurs. There are two *permanent committees* of the House elected by secret ballot at each session: (i) a committee for finance and accounts; (ii) of agriculture, industry and commerce.

The House also appoints special committees when it sees the necessity and this is the normal procedure of the Senate.

## 172. Estonia.

### *General Remarks :*

Initiative and referendum exist as active forces.

### *Preamble :*

Excellent; compulsory military service.

## 173. Austria.

### *General Remarks :*

Labour is general except forest and agricultural workers.

In certain matters the legislative powers are vested in Provinces—e. g. citizenship—occupation—representation and taxation.

Final appeal regarding land reform shall be in the hands of a commission composed of judges, administrative officials and experts appointed by Federation.

Referendum requires absolute majority to be effective and conducted by President.

## 175. Norway.

### *General Remarks :*

Constitution based on U.S.A. 1787; France 1791; Spain 1812.

Law to determine flag.

## 176. England.

### *General Remarks :*

Britain's constitution is a series of charters, usages, decisions, traditions and precedents—ever growing, never still.

Church of National Assembly Act of 1919 — giving Church Assembly the right to enact statutes which are accepted by the King on approval by Parliament as a resolution.



## APPENDIX.

# Draft of the Constitution of the U. S. S. R. (Russia)

Area : 88,19,791 sq. miles.

Population : 19,26,95,000.

Capital : Moscow.

## CHAPTER I

### SOCIAL ORGANISATION

*Article 1.* The Union of Soviet Socialist Republics is a Socialist State of workers and peasants.

*Article 2.* The political foundation of the U.S.S.R. is formed by the soviets of toilers' deputies which have grown and become strong as a result of the overthrow of the power of the landlords and capitalists and the conquests of the dictatorship of the proletariat.

*Article 3.* All power in the U.S.S.R. belongs to the toilers of the town and village in the form of soviets of toilers' deputies.

*Article 4.* The economic foundation of the U.S.S.R. consists in the Socialist system of economy and Socialist ownership of the implements and means of production, firmly established as a result of the liquidation of the capitalist system of economy, the abolition of private ownership of the instruments and means of production and the abolition of exploitation of man by man.

*Article 5.* Socialist ownership in the U.S.S.R. has either the form of State ownership (public property) or the form of co-operation and collective farms ownership (property of individual collective farms, property of Co-operative associations).

*Article 6.* The land, its deposits, waters, forests, mills, factories, mines, railway, water and air transport,

banks, means of communication, large agricultural enterprises organised by the State (State farms, machine and tractor stations and so on), as well as the essential part of housing in the cities and industrial centres is State property, that is, public property.

*Article 7.* Public enterprises in collective farms and co-operative organisations, with their livestock and implements, products produced by the collective farms and co-operative organisations, as well as their public buildings constitute the public Socialist property of the collective farms and co-operative organisations.

Each collective farm household has for its own use a plot of land attached to the household and, as individual property, subsidiary establishments on the land attached to the household, a house, productive livestock and poultry, and minor agricultural implements—in accordance with the statutes of the agricultural article.

*Article 8.* The land occupied by collective farms is secured to them for use without time limit, that is, in perpetuity.

*Article 9.* Alongside the Socialist system of economy, which is the dominant form of economy in the U.S.S.R., the law allows small private economy of individual peasants and handcraftsmen based on individual labour and excluding the exploitation of the labour of others.

*Article 10.* The personal ownership by citizens of their income from work and savings, home and auxiliary household economy, of objects of domestic and household economy as well as objects of personal use and comfort are protected by law.

*Article 11.* The economic life of the U. S. S. R. is determined and directed by the national economic State plan for the purposes of increasing public wealth, of a steady rise in the material and cultural level of the toilers, of strengthening the independence of the U. S. S. R. and its defence capacity.

*Article 12.* Work in the U. S. S. R. is the obligation of each citizen capable of working, according to the principle: "He who does not work shall not eat." In the U. S. S. R. the principle of Socialism is being realised: "From each according to his ability, to each according to his work."

## CHAPTER II

### STATE ORGANISATION

*Article 13.* The Union of Soviet Socialist Republics is a Federal State, formed on the basis of the voluntary association of the Soviet Socialist Republics with equal rights :—

Russian Soviet Federated Socialist Republic,  
Ukrainian Soviet Socialist Republic,  
White Russian Soviet Socialist Republic,  
Azerbaijan Soviet Socialist Republic,  
Georgian Soviet Socialist Republic,  
Armenian Soviet Socialist Republic,  
Turkmenian Soviet Socialist Republic,  
Uzbek Soviet Socialist Republic,  
Tajik Soviet Socialist Republic,  
Kazakh Soviet Socialist Republic,  
Kirghiz Soviet Socialist Republic.

*Article 14.* The jurisdiction of the Union of Soviet Socialist Republics, as represented by its supreme organs of power and organs of State administration, extends to :—

- (a) representation of the Union in international relations, conclusion and ratification of treaties with other States ;
- (b) questions of war and peace ;
- (c) admission of new republics into the U.S.S.R.;
- (d) control of the observance of the Constitution of the U. S. S. R. and ensuring conformity of the constitutions of the Union republics with the Constitution of the U.S.S.R.;
- (e) approval of alterations of boundaries between Union republics ;
- (f) organisation of the defence of the U. S. S. R. and the direction of all the armed forces of the U. S. S. R.;
- (g) foreign trade on the basis of the state monopoly;
- (h) protection of state security ;
- (i) establishment of the national economic plans of the U. S. S. R. ;
- (j) approval of the unified state budget of the U. S. S. R., as well as the taxes and revenues

entering into the U. S. S. R., Union-republic, and local budgets ;

- (k) administration of banks, industrial and agricultural establishments as well as trading enterprises of all-Union importance ;
- (l) administration of transport and means of communication ;
- (m) direction of the monetary and credit system ;
- (n) organisation of the State insurance of property ;
- (o) contracting and granting loans ;
- (p) establishment of the fundamental principles for the use of land as well as the exploitation of deposits, forests and waters ;
- (q) establishment of the fundamental principles in the field of education and protection of public health ;
- (r) organisation of a unified system of national economic accounting ;
- (s) establishment of basic labour laws ;
- (t) legislation on judicature and legal procedure, criminal and civil codes ;
- (u) laws on citizenship of the Union, laws on the rights of foreigners ;
- (v) passing all-Union amnesty Acts.

*Article 15.* The sovereignty of the Union republics is restricted only within the limits set forth in *Article 14* of the Constitution of the U. S. S. R. Outside of these limits, each Union republic exercises independently its State power. The U. S. S. R. protects the sovereign rights of the Union republics.

*Article 16.* Every Union republic has its own constitution, which takes into account the specific features of the republic and is drawn up in full conformity with the Constitution of the U. S. S. R.

*Article 17.* Each Union republic retains its right freely to secede from U. S. S. R.

*Article 18.* The territory of the Union republics may not be changed without their consent.

*Article 19.* The laws of the U. S. S. R. have the same force in the territories of all Union republics.

*Article 20.* In the event of a law of a Union republic differing from all-Union law, the all-Union law is operative.

*Article 21.* A single Union citizenship is established for all citizens of the U. S. S. R. Every citizen of a Union republic is a citizen of the U. S. S. R.

*Article 22.* The Russian Soviet Federated Socialist Republic consists of the following Territories : Azov—Black Sea, Far East, West Siberia, Krasnoyarsk. North Caucasus ; Provinces : Voronezh, East Siberia, Gorky, Western Ivanovo, Kalinin, Kirov, Kuibyshev, Kursk, Leningrad, Moscow, Omsk, Orenburg, Saratov, Sverdlovsk, Northern, Stalingrad, Chelyabinsk, Yaroslavl ; Autonomous Soviet Socialist Republics : Tatar, Bashkir, Daghestan, Buryat-Mongolia, Kabardino, Crimea, Marii, Mordva, Volga German, North Osetia, Udmurt, Chechen—Ingush, Chuvash, Yakut ; Autonomous Provinces : Adygei, Jewish Karachayev, Oirot, Khakass, Cherkess.

*Article 23.* The Ukrainian Soviet Socialist Republic consists of the following Provinces : Vinnitsa, Dniepropetrovsk, Donets, Kiev, Odessa, Kharkov, Chernigov, and the Moldavian Autonomous Soviet Socialist Republic.

*Article 24.* The Azerbaijan Soviet Socialist Republic includes the Nakhichevan Autonomous Soviet Socialist Republic and the Nagorno-Karabakh Autonomous Province.

*Article 25.* The Georgian Soviet Socialist Republic includes the Abkhazian A. S. S. R., Ajarian A. S. S. R., South Osetian Autonomous Province.

*Article 26.* The Uzbek Soviet Socialist Republic includes the Kara-alpak A.S.S.R.;

*Article 27.* The Tajik Soviet Socialist Republic includes the Gorno Badakhsha Autonomous Province.

*Article 28 :* The Kazakh Soviet Socialist Republic consists of the following Provinces : Aktyubinsk, Alma-Ata, East Kazakhstan, West Kazakhstan, Karaganda, South Kazakhstan.

*Article 29.* The Armenian S.S.R., White Russian S. S. R., Turkmenian S.S.R., and Kirghiz S.S.R. do not include any autonomous republics or territories and provinces.

## CHAPTER III

### THE SUPREME ORGANS OF STATE POWER OF THE UNION OF SOCIALIST SOVIET REPUBLICS.

*Article 30.* The supreme organ of State power of the U.S.S.R. is the Supreme Council of the U.S.S.R.

*Article 31.* The Supreme Council of U.S.S.R. exercises all rights vested in the Union of Soviet Socialist Republics according to *Article 14* of the Constitution, in so far as they do not enter by virtue of the Constitution, into the competence of those organs of the U.S.S.R. subordinate to the Supreme Council of the U.S.S.R. ; the Presidium of the Supreme Council of the U.S.S.R., the Council of People's Commissars of the U.S.S.R. and the People's Commissariats of the U.S.S.R.

*Article 32.* The legislative power of the U.S.S.R. is exercised exclusively by the Supreme Council of the U.S.S.R.

*Article 33.* The Supreme Council of the U.S.S.R. consists of two chambers : the Council of Union and the Council of Nationalities.

*Article 34.* The Council of the Union is elected by the citizens of the U.S.S.R. on the basis of one deputy per 3,00,000 of population.

*Article 35.* The Council of Nationalities consists of deputies appointed by the Supreme Councils of the Union and autonomous republics and Soviets of toilers' deputies in the autonomous provinces, on the basis of ten deputies from each Union republic, five deputies from each autonomous republic and two deputies from each autonomous province.

*Article 36.* The Supreme Council of the U.S.S.R. is elected for a period of four years.

*Article 37.* Both chambers of the Supreme Council of the U.S.S.R., the Council of the Union and Council of Nationalities, have equal rights.

*Article 38.* Legislative initiative belongs in equal degree to the Council of the Union and the Council of Nationalities.

*Article 39.* A law is considered approved if adopted by the chambers of the Supreme Council of the U.S.S.R. by simple majority vote in each.

*Article 40.* Laws adopted by the Supreme Council of the U.S.S.R. are published under the signature of the Chairman and Secretary of the Presidium of the Supreme Council of the U.S.S.R.

*Article 41.* Sessions of the Council of the Union and the Council of Nationalities begin and terminate concurrently.

*Article 42.* The Council of the Union elects the chairman of the Council of the Union and two vice-chairmen.

*Article 43.* The Council of Nationalities elects the chairman of the Council of Nationalities and two vice-chairmen.

*Article 44.* The chairmen of the Council of the Union and of the Council of Nationalities direct the sessions of the corresponding chambers and regulate their inner arrangements.

*Article 45.* Joint sessions of both chambers of the Supreme Council of the U.S.S.R. are directed in turn by the chairman of the Council of the Union and the chairman of the Council of Nationalities.

*Article 46.* Sessions of the Supreme Council of the U. S. S. R. are convened by the Presidium of the Supreme Council of the U. S. S. R. twice a year.

Extraordinary sessions are convened by the Presidium of the Supreme Council of the U. S. S. R. at its discretion or on the demand of one of the Union republics.

*Article 47.* In case of disagreement between the Council of the Union and the Council of Nationalities the question is referred for settlement to a conciliation commission established on the basis of equal representation. If the conciliation commission does not come to an agreement upon a decision or if its decision does not satisfy one of the chambers, the question is considered for a second time in the chambers. In the event of the two chambers not agreeing upon a decision, the Presidium of the Supreme Council of the U.S.S.R. dissolves the Supreme Council of the U.S.S.R. and fixes new elections.

*Article 48.* The Supreme Council of U. S. S. R. elects, at a joint session of both chambers, the Presidium of the Supreme Council of the U.S.S.R., composed of the chairman of the Presidium of the Supreme Council of the

U.S.S.R., four vice-chairmen, the secretary of the Presidium and 31 members of the Presidium.

The Presidium of the Supreme Council of the U.S.S.R. is accountable to the Supreme Council of the U. S. S. R. in all its activities.

**Article 49. The Presidium of the Supreme Council of the U. S. S. R.:**

- (a) convenes session of the Supreme Council of the U. S. S. R.;
- (b) interprets laws in operation by issuing appropriate instructions;
- (c) dissolves the Supreme Council of the U. S. S. R. on the basis of *Article 47* of the Constitution of the U.S.S.R. and fixes new elections;
- (d) conducts a referendum on its own initiative or the demand of one of the Union republics;
- (e) rescinds decisions and orders of the Council of People's Commissars of the U.S.S.R. and the Councils of People's Commissars of the republics in the event that they are not in accordance with the law;
- (f) between sessions of the Supreme Council of the U. S. S. R. relieves of their duties and appoints the various People's Commissars of the U. S. S. R. at the instance of the Chairman of the Council of People's Commissars of the U. S. S. R. to be later submitted for confirmation by the Supreme Council of the U. S. S. R.;
- (g) awards decorations of the U. S. S. R.;
- (h) exercises the right of pardon;
- (i) appoints and replaces the supreme command of the armed forces of the U. S. S. R.;
- (j) between sessions of the Supreme Council of the U. S. S. R. declares a state of war in the event of an armed attack on the U. S. S. R.;
- (k) declares general or partial mobilisation;
- (l) ratifies international treaties;
- (m) appoints and recalls plenipotentiary representatives of the U. S. S. R. to foreign States;
- (n) accepts the credentials of diplomatic representatives of foreign States.

*Article 50.* The Council of the Union and the Council of Nationalities elect Credential Commissions which verify the authorisation of the deputies of each chamber.

On representation from the Credential Commission the chambers decide either to recognise the authorisation or annul the elections of the individual deputies.

*Article 51.* The Supreme Council of the U. S. S. R. appoints, when it deems necessary, investigating and auditing commissions on any question.

All institutions and officials are obliged to comply with the demands of these commissions and to supply them with the necessary materials and documents.

*Article 52.* A deputy of the Supreme Council of the U. S. S. R. cannot be prosecuted or arrested without the consent of the Supreme Council of the U. S. S. R., and in the period when the Supreme Council of the U. S. S. R. is not in session, without the agreement of the Presidium of the Supreme Council of the U. S. S. R.

*Article 53.* After the authority of the Supreme Council of the U. S. S. R. has expired or after the Supreme Council has been dissolved before the expiration of its term, the Presidium of the Supreme Council of the U. S. S. R. preserves its authority until the formation by the U.S.S.R. of a new Presidium of the Supreme Council of the U. S. S. R.

*Article 54.* When the authority of the Supreme Council of the U. S. S. R. expires or in the event of its dissolution before the expiration of its term, the Presidium of the Supreme Council of the U. S. S. R. fixes new elections within a period of not more than two months from the date of the expiration of its authority or the dissolution of the Supreme Council of the U. S. S. R.

*Article 55.* The newly-elected Supreme Council of the U. S. S. R. is convened by the former Presidium of the Supreme Council of the U. S. S. R. not later than a month after the elections.

*Article 56.* The Supreme Council of the U. S. S. R. at a joint session of both chambers forms the Government of the U. S. S. R.—the Council of People's Commissars of the U. S. S. R.

## CHAPTER IV

### SUPREME ORGANS OF STATE POWER OF THE UNION REPUBLICS

*Article 57.* The supreme organ of State power of a Union republic is the Supreme Council of the Union republic.

*Article 58.* The Supreme Council of the Union republic is elected by citizens of the republic for a period of four years.

The ratio of representation is determined by the constitutions of the Union republics.

*Article 59.* The Supreme Council of the Union republic is the sole legislative organ of the republic.

*Article 60.* The Supreme Council of the Union republic:—

- (a) adopts the Constitution of the republic and amends it in accordance with Article 16 of the Constitution of the U. S. S. R.;
- (b) ratifies the constitutions of the autonomous republics belonging to it and defines the boundaries of their territories;
- (c) approves the national economic plan and budget of the republic.;
- (d) exercises the right of amnesty and pardon to citizens sentenced by judicial organs of the Union republic.

*Article 61.* The Supreme Council of the Union republic elects a Presidium of the Supreme Council of the Union republic composed of :—The chairman of the Presidium of the Supreme Council of the Union republic, his deputies and members of the Presidium of the Supreme Council of the Union republic.

The powers of the Presidium of the Supreme Council of a Union republic are determined by the constitution of the Union republic.

*Article 62.* The Supreme Council of the Union republic elects the chairman and his deputies to conduct its meetings.

*Article 63.* The Supreme Council of the Union republic organises the government of the Union republic—the Council of People's Commissars of the Union republic.

## CHAPTER V

### ORGANS OF STATE ADMINISTRATION OF THE UNION OF SOCIALIST SOVIET REPUBLICS.

**Article 64.** The Supreme executive and administrative organ of State power in the Union of Soviet Socialist Republics is the Council of People's Commissars of the U.S.S.R.

**Article 65.** The Council of People's Commissars of the Supreme Council of the U.S.S.R. are accountable to it.

**Article 66.** The Council of People's Commissars of the U.S.S.R. issues decisions and orders on the basis of and in fulfilment of laws in effect and controls their execution.

**Article 67.** Decisions and orders of the Council of People's Commissars of the U.S.S.R. have obligatory force and must be carried out throughout the entire territory of the U.S.S.R.

**Article 68.** The Council of People's Commissars of the U.S.S.R.:—

- (a) unites and directs the work of the all-union and Union-republic people's commissariats of the U. S. S.R. and of other economic and cultural institutions under its jurisdiction ;
- (b) takes measures to realise the national economic plan and State budget and to strengthen the credit-monetary system ;
- (c) takes measures to ensure public order, to defend the interests of the State, and to safeguard the rights of citizens ;
- (d) exercises general direction in the realm of relations with foreign States ;
- (e) determines the annual contingent of citizens subject to be called for active military service and directs the general upbuilding of the armed forces of the country.

**Article 69.** The Council of People's Commissars of the U.S.S.R. has the right in respect to those branches of administration and economy which fall within the jurisdiction of the U.S.S.R. to suspend decisions and orders of the Councils of People's Commissars of the Union republics and to annul orders and instructions of the People's Commissars of the U.S.S.R.

**Article 70.** The Council of the People's Commissars of the U.S.S.R. is formed by the Supreme Council of the U.S.S.R. and is composed as follows :—

The Chairman of the Council of People's Commissars of the U.S.S.R. ;  
The Vice-Chairman of the Council of People's Commissars of the U.S.S.R. ;  
The Chairman of the State Planning Commission of the U.S.S.R. ;  
The Chairman of the Soviet Control Commission ;  
The People's Commissars of the U.S.S.R. ;  
The Chairman of the Committee for Purchasing Agricultural Products ;  
The Chairman of the Committee for Higher Education.

**Article 71.** The Government of the U.S.S.R. or the People's Commissars of the U.S.S.R. to whom any question of a deputy of the Supreme Council is addressed is obliged to give an oral or written reply in the respective chamber within a period of not more than three days.

**Article 72.** People's Commissars of the U.S.S.R. direct the branches of state administration which come within the jurisdiction of the U.S.S.R.

**Article 73.** The People's Commissars of the U.S.S.R. issue within the limits of jurisdiction of the respective People's Commissariats, orders and instructions on the basis of and in fulfilment of laws in effect, as well as of decisions and orders of the Council of People's Commissars of the U.S.S.R. and verify their fulfilment.

**Article 74.** The People's Commissariats of the U.S.S.R. are either All-Union or Union-republic.

**Article 75.** The All-Union People's Commissariats direct the branch of a State administration entrusted to them on the entire territory of the U.S.S.R., either directly or through organisation assigned by them.

**Article 76.** Union-republic People's Commissariats direct the branch of State administration entrusted to them through identically named People's Commissariats of the Union republics.

**Article 77.** The following People's Commissariats comprise the All-Union People's Commissariats :—

Defence ;  
Foreign Affairs ;  
Foreign Trade ;  
Railways ;  
Communications ;  
Water Transport ;  
Heavy Industry.

**Article 78.** The following People's Commissariats comprise the Union-republic People's Commissariats :—

Food Industry ;  
Light Industry ;  
Timber Industry ;  
Agriculture ;  
State Grain and Livestock Farms ;  
Finance ;  
Home Trade ;  
Home Affairs ;  
Justice ;  
Health.

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## CHAPTER VI

### ORGANS OF STATE ADMINISTRATION OF THE UNION REPUBLICS

**Article 79.** The Supreme executive and administrative organ of State power of a Union republic is the Council of People's Commissars of the Union republic.

**Article 80.** The Council of People's Commissars of a Union republic is responsible to the Supreme Council of the Union republic and is accountable to it.

**Article 81.** The Council of People's Commissars of a Union republic issues decisions and orders on the basis of and in fulfilment of the laws in effect in the U.S.S.R. and the Union republic, and of decisions and orders of the Council of People's Commissars of the U.S.S.R., and verifies their execution.

**Article 82.** The Council of People's Commissars of a Union republic has the right to suspend decisions and orders of the Councils of People's Commissars of autonomous republics and to rescind decisions and orders of executive committees of soviets of toilers' deputies of territories, provinces and autonomous provinces.

**Article 83.** The Council of Peoples's Commissars of

a Union republic is formed by the Supreme Council of the Union republic, and is composed of :—

The Chairman of the Council of People's Commissars of the Union republic ;

The Vice-Chairman ;

The Chairman of the State Planning Commission ;

People's Commissars :—

Of Food Industry ;

Of Light Industry ;

Of Timber Industry ;

Of Agriculture ;

Of State Grain and Livestock Farms ;

Of Finance ;

Of Home Trade ;

Of Home Affairs ;

Of Justice ;

Of Health ;

Of Education ;

Of Local Industry ;

Of Communal Economy ;

Of Social Welfare ;

A representative of the Committee for Purchasing Agricultural Products ;

Chief of the Art Administration ;

Representatives of the All-Union People's Commissariats.

**Article 84.** The People's Commissars of a Union republic administer branches of the State administration which come within the jurisdiction of Union republic.

**Article 85.** The People's Commissars of a Union republic issue within the limits of jurisdiction of respective People's Commissariats orders and instructions on the basis of and in fulfilment of the laws of the U. S. S. R. and the Union republic, decisions and orders of the Council of People's Commissars of the U. S. S. R. and the Union republic, and of orders and instructions of the Union republic People's Commissariats of the U. S. S. R.

**Article 86.** The People's Commissariats of a Union-republic are either Union-republic or republic.

**Article 87.** Union-republic People's Commissariats administer the branch of a State administration entrusted to them, being subordinate both to the Council of People's Commissars of the Union republic and corresponding Union-republic People's Commissariat of the U.S.S.R.

*Article 88.* Republic People's Commissariats administer the branch of a State administration entrusted to them, being subordinated directly to the Council of People's Commissars of the Union republic.

## CHAPTER VII

### SUPREME ORGANS OF STATE POWER OF THE AUTONOMOUS SOCIALIST SOVIET REPUBLIC

*Article 89.* The supreme organ of State power of an autonomous republic is the Supreme Council of the A. S. S. R.

*Article 90.* The Supreme Council of an autonomous republic is elected by the citizens of the republic for a period of four years in the ratio of representation established by the constitution of the autonomous republic.

*Article 91.* The Supreme Council of an autonomous republic is the sole legislative organ of the A. S. S. R.

*Article 92.* Each autonomous republic has its own constitution, which takes into account the specific features of the autonomous republic and is drawn up in full conformity with the constitution of the Union republic.

*Article 93.* The Supreme Council of an autonomous republic elects the Presidium of the Supreme Council of the autonomous republic and forms a Council of People's Commissars of the autonomous republic in accordance with its constitution.

## CHAPTER VIII

### LOCAL ORGANS OF STATE POWER

*Article 94.* The organs of State power in territories, provinces, autonomous provinces, regions, districts, cities and villages (stanitsas, khutors, kishlaks, auls) are soviets of toilers' deputies.

*Article 95.* The soviets of toilers' deputies of territories, provinces, autonomous provinces, regions, districts, cities and villages (stanitsas, khutors, kishlaks, auls) are elected by the toilers of the respective territory, province, autono-

mous province, region, district, city or village for a period of two years.

*Article 96.* The ratios of representation in the soviets of toilers' deputies are determined by the constitutions of the Union republics.

*Article 97.* The soviets of toilers' deputies direct the activities of the organs of administration subordinated to them, ensure the maintenance of State order, observation of the laws and the protection of the rights of citizens, carry out local economic and cultural construction and draw up the local budget.

*Article 98.* The soviets of toilers' deputies adopt decisions and issue orders within the limits of the powers vested in them by the laws of the U. S. S. R. and the Union republic.

*Article 99.* The executive and administrative organs of the soviets of toilers' deputies of the territories, provinces, autonomous provinces, regions, districts and cities are the executive committees elected by them, composed of the chairman, the vice-chairman and members.

*Article 100.* The executive and administrative organ of the village soviets of toilers' deputies in small localities, in accordance with the constitutions of the Union republics, are the chairman, vice-chairmen and members elected by them.

*Article 101.* The executive organs of the soviets of toilers' deputies are directly accountable both to the soviets of toilers' deputies which elected them and to the executive organ of the higher soviet of toilers' deputies.

## CHAPTER IX

### COURT AND PROSECUTION

*Article 102.* Justice in the U. S. S. R. is administered by the Supreme Court of the U. S. S. R., the supreme courts of the Union republics, territory and province courts, courts of the autonomous provinces, special courts of the U. S. S. R. which are created by decision of the Supreme Council of the U. S. S. R. and People's Courts.

*Article 103.* In all courts, cases are tried with the participation of the people's associate judges, with the exception of cases specially provided for by law.

*Article 104.* The Supreme Court of U.S.S.R. is the highest judicial organ. It is charged with supervision of the activity of all judicial organs of the U.S.S.R. and Union republics.

*Article 105.* The Supreme Court of the U.S.S.R. and special courts of the U.S.S.R. are elected by the Supreme Council of the U.S.S.R. for a period of five years.

*Article 106.* The Supreme Courts of the Union republics are elected by the Supreme Councils of the Union republics for a period of five years.

*Article 107.* The Supreme Courts of the autonomous republics are elected by the Supreme Council of the autonomous republics for five years.

*Article 108.* Territory and province courts, and courts of the autonomous provinces are elected by territory or province soviets of toilers' deputies or by soviets of toilers' deputies of the autonomous provinces for a period of five years.

*Article 109.* People's Courts are elected by secret ballot for a period of three years by citizens of the district on the basis of universal, direct and equal suffrage.

*Article 110.* Court proceedings are conducted in the language of the Union or autonomous republic or autonomous province; persons not knowing this language being ensured the possibility of fully acquainting themselves with the material of the case through an interpreter, as well as having the right to address the court in their native language.

*Article 111.* In all courts of the U.S.S.R. cases are heard openly, except when otherwise provided for by law, and the accused person is ensured the right of defence.

*Article 112.* Judges are independent and subject only to the law.

*Article 113.* Highest supervision of the exact observance of the laws by all People's Commissariats and institutions under them, as well as by individual persons holding official posts, and also by citizens of the U.S.S.R., is vested in the Prosecutor of U.S.S.R.

*Article 114.* The Prosecutor of the U.S.S.R., is appointed by the Supreme Council of the U.S.S.R. for a period of seven years.

*Article 115.* Prosecutors of republics, territories and provinces, as well as prosecutors of autonomous republics and autonomous provinces, are appointed by the Prosecutor of the U.S.S.R. for a period of five years.

*Article 116.* District prosecutors are appointed for a period of five years by the prosecutors of the Union republics with the approval of the prosecutor of the U.S.S.R.

*Article 117.* The organs of prosecution perform their functions independently of any local organs whatsoever, being responsible to the Prosecutor of the U.S.S.R. alone.

## CHAPTER X

### BASIC RIGHTS AND OBLIGATIONS OF CITIZENS

*Article 118.* Citizens of U.S.S.R. have the right to work—the right to receive guaranteed work with payment for their work in accordance with its quantity and quality.

The right to work is ensured by the Socialist organisation of national economy, the steady growth of the productive forces of Soviet society, the absence of economic crisis, and the abolition of unemployment.

*Article 119.* Citizens of the U.S.S.R. have the right to rest.

The right to rest is ensured by the reduction of the working-day to seven hours for the overwhelming majority of the workers, establishment of annual vacations with pay for workers and employees, and provision for a wide network of sanatoriums, rest-homes and clubs for the accommodation of the toilers.

*Article 120.* Citizens of the U.S.S.R. have the right to material security in old age as well as in the event of sickness and loss of capacity of work.

This right is ensured by the wide development of social insurance of workers and employees at the expense of the State, free medical-aid and the provision of a wide network of health resorts for the use of the toilers.

*Article 121.* Citizens of the U.S.S.R. have the right to education.

This right is ensured by universal compulsory elementary education, free of charge, including higher

education, by the system of State stipends for the overwhelming majority of students in higher schools, instruction in schools in the native language, and organisation of free industrial, technical and agronomic education for the toilers at the factories, State farms, machine and tractor stations and collective farms.

**Article 122.** Women in the U.S.S.R. are accorded equal rights with men in all fields of economic, State, cultural, social and political life.

The possibility of realising these rights of women is ensured by affording women equally with men the right to work, payment for work, rest, social insurance and education, State protection of the interest of mother and child, granting pregnancy leave with pay and the provision of a wide network of maternity homes, nurseries and kindergartens.

**Article 123.** The equality of the rights of citizens of the U.S.S.R., irrespective of their nationality or race, in all fields of economic, State, cultural, social and political life is an irrevocable law.

Any direct or indirect restriction of these rights, or conversely, the establishment of direct or indirect privileges for citizens on account of the race or nationality to which they belong, as well as any propagation of racial or national exceptionalism or hatred and contempt is punishable by law.

**Article 124.** To ensure to citizens freedom of conscience, the church in the U.S.S.R. is separated from the State, and the school from the church. Freedom to perform religious rites and freedom of anti-religious propaganda is recognised for all citizens.

**Article 125.** In accordance with the interests of the toilers, for the purpose of strengthening the Socialist system, the citizens of the U.S.S.R. are guaranteed :

- (a) freedom of speech ;
- (b) freedom of the press ;
- (c) freedom of assembly and meetings ;
- (d) freedom of street processions and demonstrations.

These rights of the citizens are ensured by placing at the disposal of the toilers and their organisations printing presses, supplies of paper, public buildings, streets, means of communication and other material conditions necessary for their realisation.

*Article 126.* In accordance with the interests of the toilers, and for the purpose of developing the organisational self-expression and political activity of the masses of the people, citizens of the U.S.S.R., are ensured the right of combining in public organisations, trade unions, co-operative associations, youth organisations, sport and defence organisations; cultural, technical, and scientific societies, and for the most active and conscientious citizens from the ranks of the working class and other strata of the toilers, of uniting in the Communist Party of the U.S.S.R., which is the vanguard of the toilers in their struggle for strengthening and developing the socialist system and which represents the leading nucleus of all organisations of the toilers, both public and state.

*Article 127.* The citizens of the U.S.S.R. are ensured the inviolability of the person. No one may be subjected to arrest, except upon the decision of a court or with the sanction of the prosecutor.

*Article 128.* The inviolability of the homes of citizens and the secrecy of correspondence are protected by law.

*Article 129.* The U.S.S.R. grants the right of asylum to foreign citizens persecuted for defending the interest of the toilers or for their scientific activity or for their struggle for national liberation.

*Article 130.* Every citizen of the U. S. S. R. is obliged to observe the Constitution of the Union of Soviet Socialist Republics, to carry out the laws, observe labour discipline, honestly fulfil his social duties and respect the rules of the Socialist community.

*Article 131.* Every citizen of the U. S. S. R. is obliged to safeguard and consolidate public Socialist property as the sacred inviolable foundation of the Soviet system, as the source of wealth and might of the fatherland, as the source of the prosperous cultural life of all the toilers. Persons attempting to violate public Socialist property are enemies of the people.

*Article 132.* Universal military service is the law. Military service in the Workers' and Peasants' Red Army represents the honourable duty of the citizens of the U. S. S. R.

*Article 133.* The defence of the fatherland is the sacred duty of every citizen of the U. S. S. R. Treason to the fatherland, violation of oath, desertion to the enemy, impairing the military might of the State, or espionage

for a foreign State is punishable with the full severity of the law as the most heinous crime.

## CHAPTER XI

### ELECTORAL SYSTEM

*Article 134.* Deputies to all Soviets of toilers' deputies, the Supreme Council of the U. S. S. R., Supreme Councils of the Union republics, territorial and provincial Soviets of toilers' deputies, Supreme Councils of autonomous republics, Soviets of toilers' deputies of autonomous provinces, regional, district, city and village Soviets of toilers' deputies (stanitsas, villages, khutors, kishlaks, auls), are elected by the electors on the basis of universal equal and direct suffrage by secret ballot.

*Article 135.* Elections of the deputies are universal : all citizens of the U. S. S. R. who in the year of the elections reach the age of 18 have the right to participate in elections of deputies and to be elected, with the exception of the mentally deficient and persons deprived of electoral rights by the Courts.

*Article 136.* Elections of deputies are equal : every citizen has the right to elect and be elected irrespective of his race or nationality, his religion, educational qualifications, his social origin, property status, and past activity.

*Article 137.* Women have the right to elect and be elected on equal terms with men.

*Article 138.* Citizens serving in the ranks of the Red Army have the right to elect and be elected on equal terms with all other citizens.

*Article 139.* Elections of deputies are direct : elections to all Soviets of toilers' deputies from the village and city Soviets of toilers' deputies up to the Supreme Council of the U.S.S.R. are effected by the citizens voting directly.

*Article 140.* Voting at election of deputies is secret.

*Article 141.* Candidates are put forward for electoral districts.

The right to put forward candidates is granted to social organisations and societies of the toilers : Communist Party organisations, trade unions, co-operatives, youth organisations and cultural societies.

*Article 142.* Every deputy is obliged to render account to the electors of his work and the work of the soviet of toilers' deputies, and he may at any time be recalled in the manner established by law upon decision of a majority of the electors.

## CHAPTER XII

### EMBLEM, FLAG, CAPITAL

*Article 143.* The State-emblem of the Union of Soviet Socialist Republics consists of a hammer and sickle against a globe depicted in rays of the sun and surrounded by ears of grain with the inscription "Workers of the World, Unite!" in the languages of the Union republics. Above the emblem is a five-pointed star.

*Article 144.* The State flag of the Union of Soviet Socialist Republics is red cloth with the hammer and sickle depicted in gold in the upper corner near the staff and above them a five-pointed red star bordered in gold. The relation of the width to the length, is 1 to  $2\frac{1}{2}$ .

*Article 145.* The capital of the Union of Soviet Socialist Republics is the city of Moscow.

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